



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 24, 2015
Jurisdiction: City of Gresham
Local file no.: CPA 15-021
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

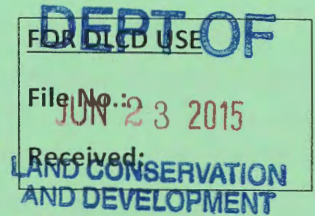
DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Gresham

Local file no.: CPA 15-021

Date of adoption: 6/16/2015

Date sent: 6/22/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/27/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

yes - Added language regarding the timing and size of replacement vegetation used for screening

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City: Gresham

Zip: 97030-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Added Appendix 50-Volume 1 Findings and ESEE for Gresham Butte Scenic View Overlay District; Amended 10.220 Natural Resources-Volume 2 adopting goals, policies, action measures for GBSV District; Added Sec. 5.0600-Development Code providing standards and procedures for the GBSV District.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Development Code new Sec. 5.0600 -- Gresham Butte Scenic View Special Purpose Overlay District

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: GBSV Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): Gresham Butte at 500' elevation

List affected state or federal agencies, local governments and special districts: METRO

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 1754

AMENDMENTS TO VOLUMES 1, 2 AND 3 OF THE
GRESHAM COMMUNITY DEVELOPMENT PLAN REGARDING THE
GRESHAM BUTTE SCENIC VIEW OVERLAY DISTRICT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 1, Findings, is amended to add new Appendix 50 as follows:

Appendix 50

Gresham Butte Scenic View Overlay District
Statewide Goal 5

Economic, Social, Environmental and Energy (ESEE) Analysis and Program to Achieve Goal 5

Introduction

Viewable from many locations in the city, Gresham Butte has been recognized as a scenic backdrop to the City for many years, but there are no customized development rules that help protect the natural landscape it provides and the contribution it makes to the City's livability and unique character.

Outdoor lighting, developments characterized by tall structures or the need for large land areas may impact the scenic resources provided by Gresham Butte. The Development Code does not currently have sufficient standards to address the community concerns regarding the impact of lighting or these types of developments.

City Council included the Gresham Butte Scenic View project in both its 2014 and 2015 Council Work Plans. This project will benefit the community by creating clear goals, policies, action measures, rules and processes for developments on Gresham Butte through the implementation of the Gresham Butte Scenic View Overlay District (GBSV). These changes should lead to developments that are more complementary to the Butte's natural landscape.

Statewide Goal 5 is designed to protect natural resources and conserve scenic and historic areas and open spaces such as those properties identified as part of the GBSV Overlay District. As the implementation of the GBSV will result in the restriction of certain uses and structures on Gresham Butte, an analysis of the economic, social, environmental and energy (ESEE) consequences is necessary pursuant to Division 23 of the Oregon Administrative Rules.

Background

The Gresham Comprehensive Plan Volume 1, Figure 2-3, includes an Inventory of Significant Natural Resources Summary. There is no definition or visual depiction of these areas; however, certain portions of Gresham Butte¹ are listed in this Inventory. These areas are:

- Gresham Butte Complex: South Facing

¹ Called Walters Hill in existing Volume 1, Section 2.353.

- Gresham Butte: Top and North Slope
- Gresham Butte Complex: North Facing

Volume 1, Section 2.353 Scenic Backdrops, notes that the slopes of Gresham Butte (also known as Walters Hill), Grant Butte and Jenne Butte are always visible from virtually every location in Gresham, with the heavily wooded nature of these buttes contributing to their visual quality. Section 2.353 also includes an ESEE analysis which addresses the consequences of general development on the buttes including tree removal. The conclusion of this ESEE analysis is that “policies and strategies which restrict development actions on the highly visible, steep slope portions of Grant Butte, Jenne Butte and Walters Hill would be appropriate. Prohibition of all development actions which might conceivably affect the scenic quality of these resources is not warranted. However, some measures such as a reduction in residential densities on steep slopes and some control over commercial scale tree harvesting would result in reasonable development potential for these areas while ensuring their continued existence as outstanding scenic resources in the community.”

Since the adoption of Section 2.353 in the 1980s, there have been numerous changes to the Community Development Code that served to address the issues of both residential density on Gresham Butte and tree removal that are mentioned in Section 2.353 noted above.

In 1999, the Gresham Butte Plan District was adopted which altered the residential density on the upper 95 acres of the Butte to a minimum average one acre lot size. Prior to 1999, there were also additional development restrictions surrounding development on slopes in excess of 15% that restricted density on these steeper slopes and also required geotechnical analyses for development. The requirements, found in the Hillside Physical Constraint District (HPCD), have been amended several times since initial adoption, but the basic requirements for reduced densities and geotechnical studies remain.

Tree regulations found in the Development Code provide regulations about both tree plantings and removals. These regulations also have undergone several changes since the adoption of the ESEE analysis found in Section 2.353; the most recent review being a comprehensive revision to the tree regulations found in the Development Code that is expected to conclude in 2015.

Inventory Process

Site Determination: Gresham Butte has long been an iconic visual resource within the city; a largely natural forested area characterized by open space, lower density residential development and some community service uses. Map 1 depicts an aerial view of the Butte. The Butte is subject to the HPCD regulations because of its steep slopes, and portions are subject to the Habitat Conservation Area Overlay District that serves to protect wildlife and fish habitat areas.

One of the initial steps in this review was a determination of what land area should be included as part of this project. The staffs of Urban Design & Planning and Information Technology/GIS went through several options in this review, which included:

- All seven buttes located totally or partially within Gresham. All of the buttes located totally or partially in Gresham are found in Map 2.
- A specific focus on Gresham, Grant and Jenne Buttes since portions of these lands were addressed in the ESEE that was developed in the 1980s.
- Limiting the review of Gresham Butte properties to those areas that are currently subject to the Gresham Butte Plan District.

- An examination of various topographic contour lines that would assist in defining what the Butte is and what people viewing the Butte actually see. One of the options was to define Gresham Butte as those properties on the Butte with an elevation of 500' or greater, with the southern boundary of the Butte being completed by the saddle trail (Map 3).

Staff, the public, appointed and elected officials reviewed these alternatives in a series of meetings:

- Stakeholders' Meeting: June 30, 2014
- Community Forum: July 7, 2014
- Planning Commission: July 14, 2014
- City Council: September 9, 2014

City Council gave staff direction to proceed with an analysis limited to Gresham Butte at elevations of 500' or greater, the last option, at its September 9, 2014 meeting. The other buttes will be considered as part of a future project.

Gresham Butte as a Visual Resource

Visual Resource

The visual resource is defined as those properties on Gresham Butte that are of an elevation of 500' or higher with the southern boundary being the existing saddle trail as shown in Map 3. The entire resource area is subject to the Hillside Physical Constraint District which was designed to protect properties with slopes of 15% or higher and those subject to landslides.

Although not totally undeveloped, Gresham Butte is characterized by large areas of forested open space and lower density residential developments that are generally not visible by the public as they view the Butte. Many of the buttes in Gresham have remained largely undeveloped (Map 2), although this is not necessarily the case in surrounding communities. For example, Mount Scott, partially located in Happy Valley, Oregon, is developed with residences and the Willamette Valley National Cemetery.

Gresham Butte, located totally within Gresham, has long held a position as a visual and aesthetic resource in Gresham and is very visible from many places within the city. It also serves as a scenic backdrop to the historic downtown and presents a natural landscaped contrast to both the older and newer developments that are located in the areas surrounding the downtown.

When the Comprehensive Plan for the city was created in the mid to late 1980s, three areas of Gresham Butte were acknowledged as attaining the status of a Significant Natural Resource. Gresham City Council included the need to develop additional protection for Gresham Butte as part of its 2014 and 2015 Council Work Plans. On September 9, 2014, City Council stated that the areas of Gresham Butte warranting this additional protection should include those areas at or above 500' in elevation since those areas provide the most visually pleasing views to a good share of Gresham's population.

Development Impacts

Developments characterized by elements that tend to project above the natural tree line and forested area or those that require large expanses of grading and other site impacts would negatively affect the scenic view provided by Gresham Butte.

Outreach efforts keyed in on the specific types of developments and structural building and site elements that could result in this negative impact. These developments are currently allowed by the Gresham Development Code and protection measures revolving around these uses need to be developed to ensure

the preservation of the Butte as a natural resource. These uses are identified in the ESEE Analysis section of this document.

ESEE Analysis

Uses that would create a conflict with the natural forested landscape of Gresham Butte were considered as part of the ESEE analysis since they could have a negative impact upon the scenic view it provides. The ESEE review included:

- A. Lighting that would stand out when sited in a natural environment.
- B. An elevation of all height variances to a public hearing process² and the additional requirement for a review of visual impacts along with a prohibition of modification of regulations that allow for an increase to maximum structure height outside of the variance process.
- C. A re-evaluation of the permissibility of and review type for Special Uses that, although currently allowed under a Type II process, would impact the scenic view provided by the Butte either by tall structures or a need to impact large areas of land. Additional review standards would be required for those Special Uses that will remain allowed uses.
- D. A change to outright allowed projections above maximum height. Such projections will be reviewed through the Type II variance process.
- E. A lowering of the standard height of amateur radio antenna structures and amendments to require public notice for these uses.

These subject areas are reviewed separately below:

A. Limiting Lighting

- Lights must be reflected downward and shielded for all uses. Light may not be directed off site.
- Certain types of lighting (limited holiday lights, street lights, emergency lighting, etc.) will not be subject to these limitations.

Economic:

The economic impacts of these restrictions would be minimal. Gresham Butte is expected to primarily develop with single family detached residences, accessory structures and potentially some Special Uses.

Consumers and applicants would have many options in terms of resources to acquire different light shielding options and would be able to determine the most appropriate cost.

According to the International Dark Sky Association, 22% of the energy produced in the United States is estimated to be used for lighting. If lighting limits are imposed on the Butte properties, then it would be a fair assumption that energy used and consequently energy costs could go down for consumers.

² The current process involves public notice and administrative review.

Social:

Gresham Butte has long been a treasured resource in Gresham. When staff held a Community Forum on July 7, 2014, to discuss alternative protection measures for the Butte, postcards were sent to all property owners within the proposed Gresham Butte Scenic View District in order to invite them to attend.

The July 7, 2014 Community Forum was attended by 25 people, a relatively large number of attendees for a community forum to discuss a Comprehensive Plan Amendment. All citizens in attendance reviewed the options presented by staff, and all were in agreement that additional protection from the effects of light was warranted. Initially, there was some interest in also placing limits on reflectivity and colors, but such provisions would be problematic and could be inappropriate in a largely low density residential area.

The overall social impact of these regulations would be positive both for residents of the Butte and those people who are viewing the Butte from a larger distance as these adjustments will serve to protect the scenic resource from glare that would stand out from the existing natural landscape.

Environmental:

The overall effect of these new rules on the environment would be positive in nature. Excessive lighting can be serious threat to many types of wildlife. Artificial lighting can cause disruption of animal behavior, injury and death to birds, mammals, and invertebrates. Limitations on lighting serve to mitigate the impact of artificial light and also help prevent a disruption in the overall forested appearance of the Butte. Also, limitations could benefit astronomical investigations because of the impact of outdoor lighting on the view of the stars. The lack of regulation regarding lighting was expressed as a concern by the citizens that have been involved in the development of the Gresham Butte Scenic View overlay to date.

Limiting lighting will ensure that the effects of lighting do not spill over into adjoining properties and ultimately have a negative effect on the scenic beauty of the Butte.

Energy:

Lighting and its impacts on surrounding properties has become a concern for urban and rural areas alike. According to the International Dark-Sky Association, human produced light can result in wasted energy since it is estimated that almost one quarter of all energy generated in the United States is used for lighting. The requirement to use shields on lights on the Butte may assist in not only protecting the overall view of the Butte from the impact of lights, but it may also serve to help in the reduction in overall energy use.

B. Limiting Variances and Adjustments

Currently, the City allows for Variances up to a 20% qualitative change to development rules to go through the Type II administrative process. The proposed change would require that all variances (including those requesting up to a 20% variation) to height on the Butte would require a Type III public hearing, and in addition to meeting all existing criteria, a review of visual impacts would need to be submitted with the application. This would not be a limitation on the ability to request such a use, but it would change the approval criteria and the process.

Similarly, an additional 10' of height is allowed in residential districts through the city-wide Modifications of Regulations section of the Development Code and is reviewed under Type II procedures. This portion of the code has a different set of criteria than those presented for Variances. The proposal is to disallow these Adjustments in the Gresham Butte Scenic View Overlay District, although an applicant could still choose to apply for a Type III Variance.

Economic:

The economic impact of elevating Type II height variances to a Type III process would involve higher application filing fees and the need to potentially hire a consultant to do a visual impact assessment. Similarly, height adjustments allowed under the Modification of Regulations are also currently done administratively. Changing the process to a Type III Variance would also increase the cost of filing such an application.

Social:

The social impacts would be positive. Limiting the ease by which height variances may be requested would help discourage such requests on the Butte and assist in protecting the scenic resource from structures that could impact the natural landscaped backdrop to the City.

Environmental:

The environmental impacts would be neutral. Changing the process for height variances and modification of regulations for height standards would have no impact upon the surrounding environment.

Energy:

The energy impacts would be neutral. Changing the process for height variances and modification of regulations for height standards would have no impact upon energy use.

Prohibiting and Limiting Certain Special Use Reviews

Special Uses are those that could be compatible with an underlying land use district, provide beneficial services, and serve important interests, but that require a case by case review because of their size, operation, uniqueness, impact or other characteristic. There are a number of Special Uses allowed in LDR-5 and the Gresham Butte Plan District (the base zones for this proposed Overlay District) that are either land intensive or could be characterized by structures that tend to have projections above the maximum building height limit. These Special Uses are currently handled through the Type II administrative process and are:

- Cemeteries
- Elementary and Middle Schools
- Water Storage Reservoirs
- Telephone Switching Stations³
- Major Stormwater Treatment Facilities
- Substations
- Wireless Communication Facilities (WCFs)

The City plans to disallow new cemeteries⁴, elementary and middle schools, telephone switching stations, major stormwater treatment facilities, substations and new water storage reservoirs.⁵ The existing water reservoir will be allowed to be replaced with a new facility under the Type II Special Use Review process if the height of the facility remains at or below the maximum height of the underlying district. If the proposed replacement reservoir exceeds the maximum height of the underlying district, the review will also include a Type III variance application.

³ This is current code language. It may be outdated, with a more appropriate term being Telecommunications Facilities.

⁴ The existing Forest Lawn cemetery would not be subject to this prohibition.

⁵ The existing water reservoir will not be subject to this prohibition.

There will also be changes to the review type for WCFs in the form of an elevation of the required review process to a Type III public hearing. New rules will require evidence of the need to close a significant gap in a provider's coverage and an analysis of alternative sites and systems prepared by a professional with expertise in WCFs will need to be submitted with the application. A review of the visual impacts of the WCF will be required.

Economic:

The proposed changes will not result in the prohibition of all development on the Butte, but would restrict larger scale uses that are challenging to modify such that they are compatible with a scenic area such as the Butte. The original ESEE findings in Volume 1 of the Comprehensive Plan made the point that limiting development actually is an economic asset as the appearance of Gresham's wooded buttes adds to the attractiveness of the city which can potentially encourage economic development. Gresham is still seen as a city characterized by natural areas that enhance its livability such as the scenic vista provided by Gresham Butte. The current proposal to restrict these Special Use Review types will only enhance Gresham Butte's role as an economic asset.

There could be an economic impact to a property owner who may wish to develop one of these disallowed uses on the Butte. However, since the Butte is characterized by steep slopes, habitat area and is residentially zoned, it is unlikely that the City would receive an inquiry regarding the siting of such uses except, potentially, for WCFs.

For applicants for WCFs, the process would now involve a public hearing and the additional charges for such hearing, as well as the preparation of additional materials for the submittal of the application, which would result in some negative economic impact for the applicant.

Social:

Because of the physical characteristics of the site, it is unlikely that the city would have seen applications for most of these Special Uses in the near or distant future. It is more likely that we will experience more low density residential development in this part of the city due to the sloped areas, access issues and environmental concerns that would propose a challenge for these Special Uses.

If additional WCF applications were to be filed on the Butte, the applicant would have to demonstrate that they plan to take measures to ensure compatibility with the nearby single family homes and open spaces. The social impact of the changes to these uses is neutral to positive.

Environmental:

Cemeteries, schools (along with their accessory uses), water storage facilities, major stormwater treatment facilities, substations and telephone switching stations all tend to be uses that take up a fair amount of land area, necessitating grading and clearing of parcels upon which they are located.

The area proposed to be affected by the GBSV Overlay District also is subject to the Hillside Physical Constraint District (HCPD); with portions of the Butte also being subject to the Habitat Conservation Area (HCA) overlay. The HCA areas are shown in Map 4. Both of these districts were designed to protect environmentally sensitive lands that are either steeply sloped or subject to landslides or to provide habitat for upland species, wetland species or both. Disallowing new cemeteries, new water storage facilities, major stormwater treatment plants, substations and switching stations would actually provide a benefit to the overall environment of the Butte by eliminating the impacts to these sensitive lands.

As only the process by which WCFs are reviewed is being proposed for alteration, there are no environmental impacts regarding this change.

Energy:

There are no significant energy consequences to the prohibition of the noted Special Use Reviews or the amended review process for WCFs.

C. Limiting Projections

The Development Code currently allows certain structures to be exempted from district height standards. These structures include antennas, spires, elevators, HVAC units, flagpoles, symbols and yard accessories.

The proposed changes would not eliminate the possibility of proposing that one of these noted structures exceed the maximum height in the district, as such projections could be applied for through either the Type II Variance process or in conjunction with an application for a Special Use Review. Essentially, the process for allowing such projections will be changing with the proposed amendments.

Economic:

In the event that a property owner would wish to apply for a height increase beyond what is allowed in the underlying district, an application would need to be filed for either a Type II Variance or have the request reviewed as part of the Special Use Review process (when a Special Use Review would be required). The economic impact to the applicant would be the additional filing fee required if the Variance route was pursued. If a Special Use Permit is already required (in the case of, for instance, WCFs), there would be no additional cost as the height of the structure could be considered as part of the overall Special Use Review.

Social:

Since these structures would be required to apply for a Variance or Special Use Review, this could be somewhat of a deterrent to the construction of these taller structures. As these structures could have an impact on the scenic view, the social impacts would be neutral to positive.

Environmental:

As the proposed amendments merely change the process by which exceptions to maximum height will be allowed, no environmental impacts are expected.

Energy:

As the proposed amendments merely change the process by which exceptions to maximum height will be allowed, no energy impacts are expected.

D. Limiting Amateur Radio Structures

Currently, the Gresham Development Code allows for Amateur Radio antenna structures of up to 100' in height that also meet all site placement regulations to be reviewed under the Type I process. The Type I process is an administrative review without public notice. Those structures exceeding 100' in height or not meeting code site placement are reviewed under the Type II administrative process. The Type II process requires public notice.

The siting of an amateur antenna structure of up to 100' on the Butte could have a significant impact to the scenic backdrop provided by the Butte. Amateur Radio operations do serve an important function in emergency situations, but it is appropriate to have a more robust review process and a consideration of

smaller tower structures. Although it is unlikely that taller towers will be proposed for the Butte, current regulations that allow for them is needed to be evaluated as part of the ESEE and code amendment process.

The proposal is to limit these tower structures to 35'⁶ as well as maintaining current standards for siting towers on a property and have them reviewed under the Type II process. Any tower over 35' in height and/or those that propose relief from the stated standards will continue to be reviewed under the Type II process, but additional (existing) standards would apply.

Economic:

There is some economic impact to these changes because although amateur radio structures will still be permitted, additional rules will be applied to their height and filing fees will increase from that of a Type I process to that of a Type II application for those antennas meeting all standards. Amateur Radio facilities are generally located at single family residences or at civic buildings (fire stations, etc.) and they are not used to generate income, but used for hobbies and public service, so the economic impact would not be offset through other means.

Social:

The social consequences of these new rules would be positive in nature. Applicants for all towers would now be required to go through a noticed review for any antenna structure. Although the operators themselves would find that they need to meet additional standards if the 35' maximum were to be proposed to be exceeded, this new height limit would serve to protect the scenic view because the height is being lowered to that currently allowed for single family homes. Procedures are changing that would allow for property owners on the Butte to be notified when an application is filed. This would allow for citizen input that is not currently allowed under the Type I process.

Environmental:

Antenna structures generally are not particularly land intensive. However, tall structures such as those proposed for steeply sloped areas such as those found on the Butte would need special consideration in terms of their stability on lands that could be subject to landslides.

Limiting the tower height may, therefore, be somewhat more protective of the environment than allowing 100' of height as allowed by the current Development Code under the Type I process because the construction of the taller antenna and support structures could require more land clearing and grading, disturbing steeper sloped areas.

Energy:

No energy related consequences are anticipated by these changes.

⁶ ORS 221.295 Ordinances regulating placement or height of radio antennas. Notwithstanding ORS chapters 215 and 227, a city or county ordinance based on health, safety or aesthetic considerations that regulates the placement, screening or height of the antennas or antenna support structures of amateur radio operators must reasonably accommodate amateur radio communications and must represent the minimum practicable regulation necessary to accomplish the purpose of the city or county. However, a city or county may not restrict antennas or antenna support structures of amateur radio operators to heights of 70 feet or lower unless the restriction is necessary to achieve a clearly defined health, safety or aesthetic objective of the city or county. [1999 c.507 §1]

Conclusion

The conflicting uses noted below addressed in the ESEE analysis allowed by the underlying zone should be limited to protect the significant scenic resource. Limits on these uses can be achieved with new review standards and the use of Type II and Type III land use review. Implementation of new review standards will protect the scenic attributes of Gresham Butte while preserving reasonable pathways to permitting uses allowed by the underlying zone. These uses are:

- Outdoor lighting
- Variances to maximum height
- Wireless Communication Facilities
- Projections above maximum district height
- Amateur Radio Antennas

The conflicting uses noted below addressed in the ESEE analysis allowed by the underlying zone should be prohibited to protect the significant scenic resource due to their potential for adverse impact upon the scenic resource because they are land intensive uses. These uses are:

- New cemeteries
- Elementary and middle schools
- New Water Storage Reservoirs
- Telephone Switching Stations⁷
- Major Stormwater Treatment Facilities
- Substations
- Increases above maximum district height as permitted through Modifications of Regulations

Programs to Achieve Goal 5

Based on the conclusions of the ESEE analysis, the City plans to develop a Gresham Butte Scenic View Overlay District as a new Section 5.0600 to its Development Code that will provide additional protection to the scenic resource provided by the Butte. New language will be included that requires lighting to be directed downward and not be impactful to adjoining properties. Additionally, code amendments to other parts of the Development Code will be made such that additional restrictions or prohibitions are planned for properties defined by the District. These are:

- A visual depiction including elevations and a site plan illustrating the appearance of the complete structure will be required to be submitted with all applications for variances to height on Gresham Butte. All such variances will be processed as a Type III public hearing. Additional standards for height variance applications on Gresham Butte are proposed for inclusion in the Gresham Community Development Code.
- The prohibition of modifications of regulations resulting in increases to maximum height on Gresham Butte.
- The prohibition of outright allowed projections above maximum height outside of the Special Use Review or Variance processes.
- The prohibition of certain Special Uses on Gresham Butte that are currently processed as Type II administrative reviews but may have impacts upon the scenic resource if they were permitted to

⁷ This is current code language that may be outdated. A more appropriate term may be Telecommunications Facilities.

be developed. The existing water reservoir can be replaced, but if it does not meet the maximum height standards of the underlying land use district, a Type III Variance to height must be reviewed as part of the application. Additional standards for the siting of WCF facilities have been developed and proposed for inclusion in the Gresham Community Development Code. The process for reviewing WCFs is proposed to be elevated to a Type III public hearing. A visual depiction of the proposed WCF will be required as part of application submission.

- A lowering of the maximum height allowed for standard amateur radio antennas, and a change that elevates the review process to a Type II for all antenna structures.

Notice and Landowner Involvement

Extensive public involvement is a cornerstone of the Comprehensive Plan Amendment process in the City of Gresham. The development of the amendments are designed as a five stage process with Stakeholder meetings, Community Forums, Open Houses, public meetings before the Planning Commission and City Council at every stage of the process. These stages include:

- Project Introduction
- Alternative Approaches
- Preferred Approach
- Draft Code
- Comprehensive Plan Amendment Hearings

Prior to the Alternative Approaches meeting for this project, postcards were sent to all property owners of lands at or above the 500' elevation mark on Gresham Butte. The attendance at this meeting, held on July 7, 2014, served as the basis for an interested parties list that has been added to as citizens contact staff about this project. Outreach has included:

- Introduction and Issues: Stakeholders' Meeting: April 17, 2014; Community Forum: April 23, 2014; Planning Commission Work Session: April 28, 2014; City Council: May 20, 2014, Gresham Butte Neighborhood Association: June 2, 2014.
- Alternatives: Stakeholders' Meeting: June 30, 2014; Community Forum: July 7, 2014; Planning Commission: July 14, 2014; City Council: September 9, 2014.
- Preferred Approach: Stakeholders' Meeting: November 18, 2014; Community Forum: November 19, 2014; Planning Commission: December 8, 2014; City Council: January 13, 2015.
- Draft Code: Planning Commission: March 9, 2015; Open House: March 12, 2015.

Staff also conducted individual discussions with property owners, concerned citizens and the region's Amateur Radio Coordinator.

The schedule currently calls for the hearing before the Planning Commission to occur on April 13, 2015, the City Council hearing to take place on May 19, 2015, and the enactment reading to be on June 16, 2015.

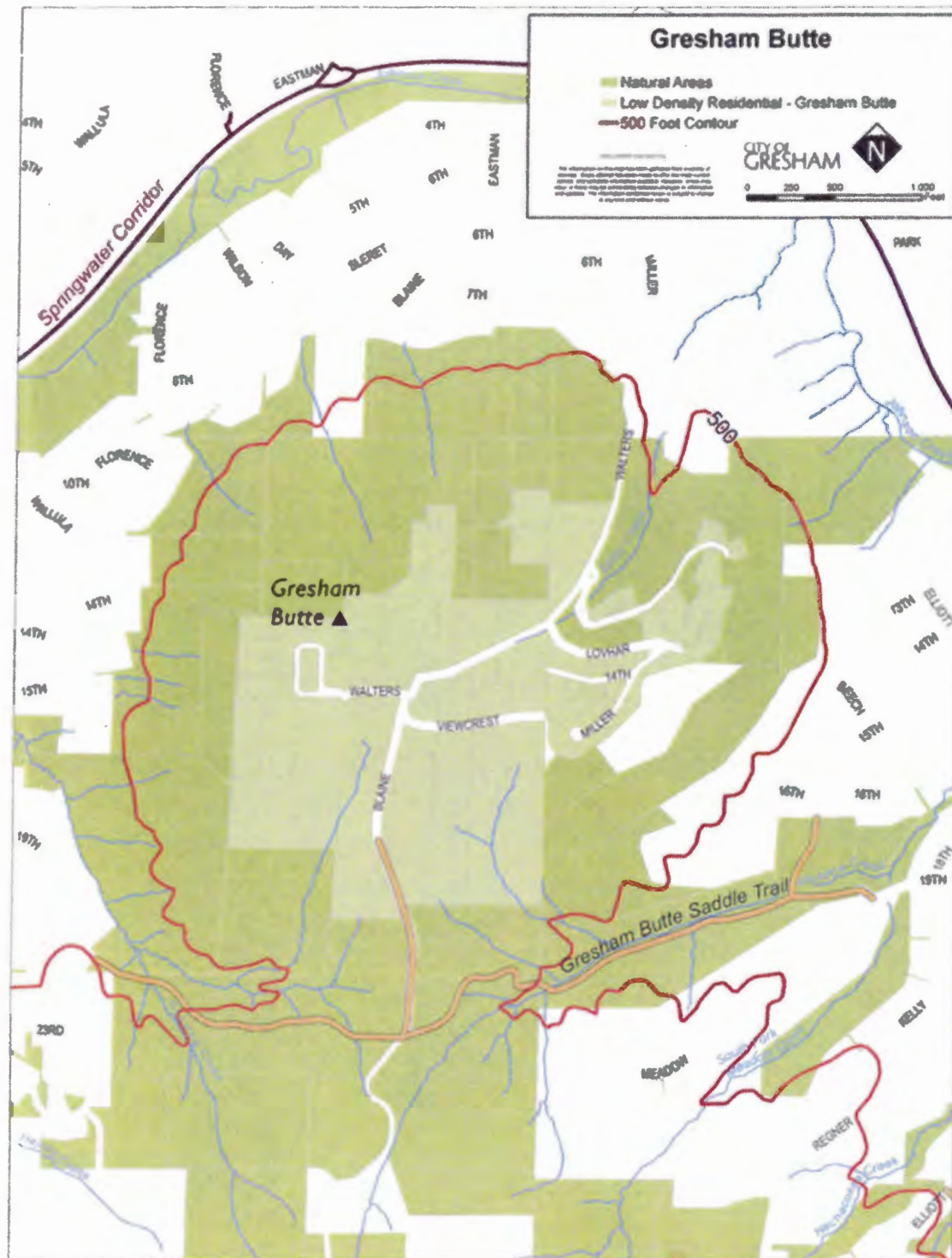
Buildable Lands

It is not expected that new development rules would have an impact on the buildable lands inventory. Rules would modify, in some cases, the ability to develop certain uses or design elements on Gresham Butte, but no lands will be deemed to be undevelopable by the Comprehensive Plan amendments and Development Code changes.



Map 2







Section 2. Volume 2, Policies, Section 10.221 is amended as follows:

10.220 NATURAL RESOURCES

10.221 NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATER RESOURCES AND ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT AREAS

A. VISUAL RESOURCES

5. The Community Development Standards document shall require underground utilities for all new land developments; except for electric power transmission lines over 50,000 volts primary feeder lines, and transformer vaults.

B. GRESHAM BUTTE SCENIC VIEW

SUMMARY OF FINDINGS

The City has had a long commitment regarding the protection of Gresham Butte. In 1980, the City adopted the Hillside Physical Constraint District (HPCD) rules which regulated development on sloped properties such as those found on the Butte. Then, in 1999, the Gresham City Council approved the establishment of the Gresham Butte Plan District (GBPD) which covers roughly 95 acres on the top of the Butte. The GBPD increased lot sizes to an average of one acre, and included fire suppression, transportation and stormwater rules.

The HPCD was substantially updated in 2003 and refined the way in which density calculations were done for properties such as those found on Gresham Butte and also required the submittal of a Soils and Geology Report outlining the geologic conditions of the land and an evaluation of potential hazards. In 2009, the City adopted the Habitat Conservation Area (HCA) which provided more protection for fish and wildlife and upland habitat when construction and development occur within those specified areas. Parts of the Butte are subject to HCA rules.

In 2013, the Gresham Butte Neighborhood Association requested that the Gresham City Council initiate a review of development rules that could impact the scenic views provided by the Butte. This project, Gresham Butte Scenic View, was included on the 2014 Council Work Plan and was continued to the 2015 Council Work Plan. This project was intended to:

- Update the City's Community Development Plan findings, goals, policies and action measures relating to the preservation of Gresham Butte's scenic view. There are no goals or policies specific to Gresham Butte's scenic view and, although there are five implementation strategies¹ regarding visual resources, none of them are specifically targeted to the protection of Gresham Butte.
- Review and update current rules and development processes that allow for development on the Butte that could impact the scenic view it provides. There are no development rules for Gresham Butte that would help preserve its view or acknowledge that certain types of development (such as tall structures) could potentially impact that view. Which parcels actually comprise the area known as Gresham Butte is currently undefined.
- Examine land use processes and notice requirements for development on the Butte to make modifications which provide for more extensive notice. The Code does not acknowledge that development on the Butte may affect properties in many areas of the city due to the potential visual

¹ Implementation Strategies are now called Action Measures

impact of development. Development on the Butte is handled under the same review types and receives the same public notice as the development of property off of the Butte.

GRESHAM BUTTE SCENIC VIEW GOAL

The scenic view provided by Gresham Butte will be preserved and protected.

GRESHAM BUTTE SCENIC VIEW POLICIES

1. Ensure that all development on Gresham Butte is designed to maintain its natural aesthetic and scenic quality to the greatest extent possible.
2. Ensure that development on Gresham Butte does not alter the naturally landscaped scenic skyline provided by the Butte.
3. Encourage the creative use of design, lighting, colors and materials for new structures proposed for Gresham Butte so they present a complementary appearance and act as an extension of the natural landscape.

GRESHAM BUTTE SCENIC VIEW ACTION MEASURES

1. Amend the Development Code rules such that developments and structures have minimal impact upon the scenic view provided by Gresham Butte.
2. Revise the rules for Special Use Reviews that involve land intensive development or tall structures such that the natural area is preserved to the greatest extent possible.
3. Modify rules and processes that currently allow projections above the maximum height requirement such that the scenic ridgeline of Gresham Butte is further protected.
4. Modify development and design rules so that project elements are encouraged to blend into the natural environment of Gresham Butte and not create detrimental impacts.
5. Periodically review all development rules for Gresham Butte to ensure that its scenic value is protected.
6. Revise Gresham's Tree Code to define measures to protect the tree cover in the Gresham Butte Scenic View District.

GRESHAM BUTTE PUBLIC INVOLVEMENT GOAL

1. Gresham citizens will have an enhanced opportunity to participate in land use decisions on Gresham Butte.

GRESHAM BUTTE PUBLIC INVOLVEMENT POLICIES

1. Ensure that land use development review types reflect the significant impact of development on Gresham Butte to both Gresham citizens and the surrounding area.
2. Require that public notice for land development proposals on Gresham Butte be provided in sufficient number such that all Gresham citizens have an opportunity to comment.

GRESHAM BUTTE PUBLIC INVOLVEMENT ACTION MEASURES

1. Examine current land use reviews to determine if an upward classification of review type is warranted for certain development proposals and structures that could impact the scenic vista provided by Gresham Butte.
2. Expand the current requirement for land use notices so that more property owners, neighborhood associations and Gresham residents receive notice of development activity on Gresham Butte.

B. C. MINERAL AND AGGREGATE RESOURCES

Section 3. Volume 3, Community Development Code is amended to add new Section 5.0600, as follows:

Section 5.0600 GRESHAM BUTTE SCENIC VIEW OVERLAY

General

5.0601 Purpose

Development Standards

5.0602 Permitted Uses

5.0603 Restricted Development Types

Additional Development Requirements

5.0604 Additional Standards in the Gresham Butte Scenic View District

Maps

5.0610 Gresham Butte Scenic Overlay District Map

General

5.0601 PURPOSE

The Gresham Butte Scenic View (GBSV) District is an overlay district designed to provide additional regulations that will help protect and enhance the scenic vista provided by the Butte. Contained in this section are special requirements for development within this area that will help to preserve the natural beauty of Gresham Butte. The boundaries of the GBSV Overlay District are shown on **Map 5.0610**.

Due to the impact of certain Special Uses, allowed projections above maximum height, amateur radio antenna structures and the effects of artificial light on Gresham Butte, additional regulations apply.

Development Standards

5.0602. PERMITTED USES

The uses permitted and standards applied generally are those of the Low Density Residential-5 District and the Gresham Butte Plan District unless modified by this section. Unless otherwise amended by **Section 5.0603 or Section 5.0604**:

A. The permitted uses of **Table 4.0120** under LDR-5 apply for those properties with an underlying LDR-5 District.

B. The permitted uses, setbacks, density, lot size and site development standards in **Sections 4.1310, 4.1311, Table 4.1311(A) and Section 4.1312** apply for those properties designated Gresham Butte Plan District.

5.0603 RESTRICTED DEVELOPMENT TYPES:

The following development types are Special Use Reviews under **Section 8.0100** and are restricted in the GBSV District as follows:

A. The following uses are prohibited:

1. New Cemeteries
2. Elementary Schools
3. Middle Schools
4. Telephone Switching Stations²
5. New Water Storage Facilities
6. Major Stormwater Treatment Facilities
7. Substations

B. The following Special Use Review is required to be reviewed through the Type III process and is subject to the requirements in **Section 8.0140**:

1. Wireless Communications Facilities

C. The following Special Use Review is required to be reviewed through the Type II process under **Section 8.0110**:

1. Replacement Water Storage Facilities meeting the underlying district height requirements.

D. The following Special Use Review is required to be reviewed under the standards outlined in **Section 8.0110** and the Type III Major Variance criteria set forth in **Section 10.1530**:

1. Replacement Water Storage Facilities exceeding the underlying district height requirements. The hearing body is the Planning Commission.

Additional Development Requirements

5.0604 ADDITIONAL STANDARDS FOR THE GBSV DISTRICT

The Site Development Requirements of LDR-5 and the Gresham Butte Plan District shall apply unless modified by this section. These additional requirements have been included to help protect the scenic and aesthetic views provided by the Butte.

A. The following regulations are designed to minimize the effect of tall structures on the scenic resource:

1. All variances to maximum height shall be reviewed under the Type III procedures and under the criteria in **Section 10.1530**.
2. Residential adjustments to height allowed by **Section 10.1521.B.3** are prohibited in the GBSV District.
3. Additional regulations regarding the height of and process required for the placement of Amateur Radio Antennas in the GBSV as found in **Section 10.1011** shall apply.
4. Projections above maximum height as allowed by **Section 9.0901** shall be required to be reviewed under the Type II process and meet the criteria of **Section 10.1510** or demonstrate the need for such projections as part of a Special Use Review as found in **Section 8.0100**.

² This is current code language that may be outdated. A more appropriate term may be Telecommunications Facilities.

B. The following regulations are designed to help ensure that developments are complementary to the scenic nature of Gresham Butte. These regulations apply to all structures including but not limited to single family detached homes and accessory structures:

1. All exterior lighting must be directed downward, hooded and shielded by opaque materials. The light bulb shall not be visible from adjacent properties. The use of lower wattage lights is encouraged.

Exceptions are:

a. Street lighting necessary for safety purposes,

b. Lighting required by emergency response agencies,

c. Lighting fixtures required by the Federal Communication Commission, the Federal Aviation Administration, the Federal Occupational Safety and Health Administrations or other federal, state, county or municipal agencies,

d. Landscape lighting aimed away from adjacent properties that is contained by an overhanging architectural element or evergreen landscaping such that light is not directed to the night sky,

e. Residential decorative low wattage lighting used for yards and driveways that do not shine glare, emit illumination or cast a shadow onto adjoining properties,

f. Lighting required to illuminate the flag of the United States of America. Such lighting must be shielded and not visible off of the property.

2. Colors used for all structures are encouraged to be dark earth tones that are present in the landscape at or near the proposed structures. Dark earth tone colors recommended are browns, tans, greens and grays that should be as dark or darker than the surrounding area.

3. Reflective materials (including, but not limited to mirrored glass, aluminum and smooth metals) are discouraged. The maximum reflectivity of glass is encouraged to be no more than 20%. Painted structures are encouraged to be of an eggshell or flat finish.

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Section 4. Sections 8.0100, 9.0900, 10.1000, 10.1500 and Article 11 of Volume 3, Gresham Community Development Code, are amended as follows:

Section 8.0110 Special Use Review, Type II Procedure.

8.0116 Community Services

In addition to the standards in **Section 8.0103**, the following apply to Community Services where they are allowed through the Type II procedure:

- A. Cemeteries are exempt from floor area ratio and maximum setback standards.
- B. New cemeteries are prohibited in the GBSV District.

Section 8.0119 Schools

In addition to the standards in **Section 8.0103**, the following apply to Schools, including elementary and middle schools, where they are allowed through the Type II Special Use Review procedure:

- A. For all school types, portable classrooms are exempt from floor area ratio, maximum setback requirements, and are not subject to a Special Use Review. They must still obtain a building permit.
- B. Elementary and middle schools are prohibited in the GBSV District.

8.0121 Major Basic Utilities

- C. Sewage treatment plants shall not be located in or adjacent to residentially designated lands.
- D. Telephone switching stations³, new water storage reservoirs, major stormwater treatment facilities and substations are prohibited in the GBSV District.
- E. In the GBSV District, existing water storage facilities may be replaced when reviewed under the Type II Special Use Review process if the proposed height of the facility is no greater than the maximum height of the underlying land use district. If the proposed height exceeds the maximum height of the underlying land use district, a request for a Type III Variance to height must also be submitted as part of the application.

8.0122 Wireless Communication Facilities

In addition to the standards in Section 8.0103, the following apply to wireless communications facilities where they are allowed through the Type II Special Use Review Procedure and the Type III Special Use Review procedure when located in the GBSV District. Additionally, the following standards apply to co-located facilities that cannot meet the standards in **Section 10.0600**.

- A. An applicant for a wireless communications facility that includes a WCF tower must co-locate on an existing WCF tower or other facility, unless it can be reasonably demonstrated that such is not feasible, in which case the new WCF tower shall be grouped at the same site or be located no closer than 2,000 linear feet from another WCF tower.
- B. No wireless communication facility shall be located within the LDR-5, LDR-7, TLDR, DRL-1, DRL-2, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW, and THR-SW and LDR/GB districts unless such location is absolutely necessary for the maintenance of wireless communications within that service area.

³ This is current code language that may be outdated. A more appropriate term may be Telecommunications Facilities.

- C. For all wireless communication facility proposals, the tower shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional wireless communication facilities.
- D. Wireless communications facilities are exempt from floor area ratio and maximum setback requirements.
- E. i. All wireless communication facility proposals for personal wireless services shall be subject to the requirements and limitations of 47 U.S.C. 332(c)(7), Preservation of Local Zoning Authority, and the rules adopted by the Federal Communications Commission to implement said section.
- ii. All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C. 1455(a), Facility Modifications, and the rules adopted by the Federal Communications Commission to implement said section.
- iii. In the event of any apparent conflict or inconsistency between the applicable federal laws or rules and **Section 8.0103, Section 8.0122, Section 8.0151, Section 10.0601 or Section 10.0602**, the applicability, and where required, the application of the provisions of federal laws and rules shall be determined as part of the Special Use Review process.
- F. Wireless Communications Facilities in the GBSV District are governed by the standards in Section 8.0151.**

8.0150 Major Basic Utilities

In addition to Section **8.0143**, the following apply to Major Basic Utilities where they are subject to a Type III Special Use Review:

- A. Electrical generating facilities shall not be located in or adjacent to residentially designated land.

8.0151. Wireless Communication Facilities in the GBSV District.

In addition to **Section 8.0122**, the following apply to Wireless Communication Facilities in the GBSV District:

- A. The Planning Commission is the decision authority.
- B. The application must include a study developed by an engineering firm with documented expertise in wireless communications which addresses the following:
1. Documentation that demonstrates that the facility is necessary to close a significant gap in service coverage.
 2. Documentation that demonstrates that there are no feasible alternatives, including other sites, multiple sites, other facility designs and other technologies that could fulfill the same function as the proposed Wireless Communication Facility.
- C. The Wireless Communication Facility shall not be visible from any parcels located outside of the GBSV District. Demonstration of compliance with this standard must be provided as noted in **8.0151.C.1. or 8.0151.C.2:**
1. A site plan and elevations documenting that:
 - a) The Wireless Communication Facility tower is no taller than the existing evergreen canopy as measured from the downslope side, or
 - b). The Wireless Communication Facility tower is topographically screened by its placement behind a hill, is located in a ravine, or is screened by other natural features.
 2. Submittal of a photo simulation taken from parcels outside of the GBSV District using 3D Analyst or another program as approved by the Manager accompanied by an analysis of the contrast rating of the proposed Wireless Communication Facility using the Bureau of Land Management's Manual 8431-Visual Resource Contrast Rating or other tool approved by the Manager.

Wireless Communication Facilities must meet the Class I or Class II Objectives found in Appendix 2 of the Bureau of Land Management's Manual 843 I-Visual Resource Contrast Rating when the Wireless Communication Facility is observed from view points outside of the GBSV District.

If other approved tools are used, the analysis of the siting of the Wireless Communication Facility shall determine that, when the Wireless Communication Facility is observed from viewpoints outside of the GBSV District:

- a) The existing character of the landscape is preserved. The level of change to the character of Gresham Butte is very low and does not attract attention away from the forested landscape of Gresham Butte, or
- b) The existing character of the landscape is retained. The level of change is low and changes must blend into the predominant natural features of the landscape.

3. If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed. Replacement plantings must be a minimum of 2.5 caliper inches for deciduous trees and a minimum of 8 feet in height for evergreen trees.

D. All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C. 332(c)(7), Preservation of Local Zoning Authority, and the rules adopted by the Federal Communications Commission to implement said section.

E. All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C. 1455(a), Facility Modifications, and the rules adopted by the Federal Communications Commission to implement said section.

F. In the event of any apparent conflict or inconsistency between the applicable federal laws or rules and **Section 8.0151**, the applicability, and where required, the application of the provisions of federal laws and rules shall be determined as part of the Special Use Review process.

Section 9.0901 Projections into Required Yards And Above The Maximum Height

B. Projections above the Maximum Building Height. Except in the GBSV District as described in **Section 9.0901.D** ~~¶~~the following structures may project above the maximum height:

C. Other Projections. Except for parcels in the GBSV District which are governed by **Section 9.0901.D**, ~~¶~~the following structures may project above the maximum building height and into required yards:

D. In the GBSV District, projections above maximum height allowed by **Section 9.0901.B** and **Section 9.0901.C**, will be reviewed under the criteria set forth in **Section 8.0100** for Special Uses or by **Section 10.1510** for structures not undergoing a Special Use Review.

Section 10.1011 Amateur Radio and Citizen Band Antenna Development Requirements

When a development permit is required, the application shall be processed under the Type I procedure with the exception of parcels in the GBSV District which are subject to the Type II procedure. The application shall be found to be consistent with the requirements of the Community Development Standards Document **Section 10.1011(A-J)**. The Type II process shall also apply when the applicant requests consideration under Section 10.1011(K), which is an exception to the yard setback, locational and height provision requirements.

B. The maximum height of an antenna and support structure shall be 100 feet except in the GBSV District, where the maximum height of the antenna and support structure shall not exceed 35 feet. The height of a crank up tower shall be measured when fully extended.

Section 10.1510 Type II Minor Variance Provisions

The Type II procedure shall be used to process a minor variance request involving a 20 percent reduction or 20 percent increase from a quantitative provision of the Community Development Code-, with the exception that all variances to maximum height in the GBSV District shall be reviewed under the Type III process described in Section 10.1530.

Section 10.1521 Modification of Regulations

B. Upon a finding that the applicant's plan substantially achieves any of the preceding criteria, the Manager may modify the identified standards within the following prescribed limits:

3. Height limitations may be increased, provided the additional height does not exceed 45 feet in a residential district. Additional height cannot be approved under Section 10.1521 in the GBSV District.

Section 10.1530 Type III Major Variance Provisions

The Type III procedure shall be used to process a major variance request involving more than 20 percent reduction or 20 percent increase from a quantitative development standard or a request to deviate from a qualitative standard- or a request to deviate from the maximum height requirements in the GBSV District as outlined in Section 10.1532. Except for applications for a variance to maximum height in the GBSV District, where additional criteria apply, the hearing body shall grant the variance if all of the criteria identified in Section 10.1510 and one of the following criteria is met:

Section 10.1532 Type III Major Variance Provisions to Maximum Height in the GBSV District

- A.** The Planning Commission is the decision authority.
- B.** Applicants must address the criteria located in Section 10.1510 and one of the criteria outlined in Section 10.1530 and comply with Section 10.1532.C.1 or Section 10.1532.C.2 as described below.
- C.** The structure shall not be visible from any parcels outside of the GBSV District. Demonstration of compliance with this standard must be provided as noted in Section 10.1532.C.1 or Section 10.1532.C.2.
 - 1. A site plan and elevations documenting that:
 - a). The structure is no taller than the existing evergreen canopy as measured from the downslope side, or

b). The structure is topographically screened by its placement behind a hill, is located in a ravine or is screened by other natural features.

2. Submittal of a photo simulation from parcels outside of the GBSV District using 3D Analyst or another program as approved by the Manager accompanied by an analysis of the contrast rating of the proposed structure using the Bureau of Land Management's Manual 8431-Visual Contrast Rating or other tool approved by the Manager.

The structure must meet the Class I or Class II Objectives found in Appendix 2 of the Bureau of Land Management's Manual 8431-Visual Resource Contrast Rating when the structure is observed from viewpoints outside of the GBSV District.

If other approved tools are used, the analysis of the siting of the structure shall determine that, when the structure is observed from viewpoints outside of GBSV District:

a) The existing character of the landscape is preserved. The level of change to the character of Gresham Butte is very low and does not attract attention away from the forested landscape of Gresham Butte, or

b) The existing character of the landscape is retained. The level of change is low and changes must blend into the predominant natural features of the landscape.

3. If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed. Replacement plantings must be a minimum of 2.5 caliper inches for deciduous trees and a minimum of 8 feet in height for evergreen trees.

Table 11.0204

Land Use Applications and Review Authorities

R=Recommendation D=Decision Authority A=Appeal Authority

10.1530 Major Variance ***

All variances to height in the GBSV District are Major Variances. The decision authority is the Planning Commission, with appeals heard by the City Council.

Section 11.0402 Type II Procedure

D. Type II Public Notice

1. Except as provided or in **Subsection (2)** below, within approximately ten (10) calendar days after the application has been determined to be complete, written notice of the Type II application shall be mailed to:

c. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property; and the Presidents and Land Use Chairs of all City-recognized neighborhood associations when the development is proposed in the GBSV District; and

d. Owners of record within three hundred (300) feet of the perimeter of the subject property; and owners of record within five hundred (500) feet of the perimeter of the subject property when the development is proposed in the GBSV District.

Section 11.0502 Type III Procedure

E.2.c. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property; and the Presidents and Land Use Chairs of all City-recognized neighborhood associations when the development is proposed in the GBSV District; and

E.2.d. Owners of property located within three hundred (300) feet of the perimeter of the subject property; and owners of record within five hundred (500) feet of the perimeter of the subject property when the development is proposed in the GBSV District.

Section 11.0800 Neighborhood Meeting

Section 11.0803 Procedures and Evidence of Compliance

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.

In the GBSV District, the applicant shall mail notice of the neighborhood meeting to owners of properties within 500 feet of the perimeter of the subject property, and the Presidents and Land Use Chairs of all recognized neighborhood associations. The notice mailed to the Presidents and Land Use Chairs shall be by certified mail.

First reading: May 19, 2015

Second reading and passed: June 16, 2015

Yes: Bemis, French, Hinton, Palmero, Stegmann

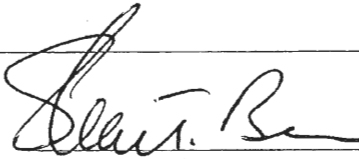
No: None

Absent: Echols, McCormick

Abstain: None

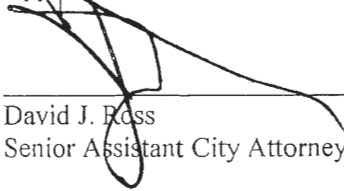


Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

Approved as to Form:



David J. Ross
Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO	)	Order No. 657
VOLUMES 1, 2 AND 3 OF THE GRESHAM	)	
COMMUNITY DEVELOPMENT PLAN REGARDING	)	CPA 15-021
THE GRESHAM BUTTE SCENIC VIEW OVERLAY	)	
DISTRICT	)	

On May 19, 2015, the City Council held a public hearing to take testimony on amendments to Volumes 1, 2 and 3 of the Gresham Community Development Plan regarding the Gresham Butte Scenic View Overlay District.

The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing at the May 19, 2015 meeting, and a decision was made at the June 16, 2015 meeting.

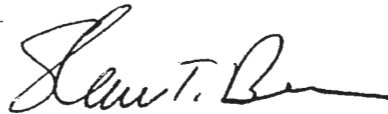
The Council orders that these amendments are approved based on standards, findings, conclusions and recommendations stated in the attached Planning Commission Order dated April 13, 2015, staff report dated April 13, 2015, addendum to the staff report dated April 13, 2015, and addendum to staff report dated April 28, 2015.

A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

Dated: June 16, 2015



City Manager



Mayor

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF GRESHAM**

TYPE IV RECOMMENDATION ORDER

CPA 15-021

A Type IV Legislative Public Hearing was held on April 13, 2015, to consider proposed amendments to Volumes 1, 2 and 3 of the Gresham Community Development Plan adopting the **Gresham Butte Scenic View** Special Purpose Overlay District including an Environmental, Social, Economic and Energy (ESEE) Analysis; Goals, Policies and Action Measures; and Development Code regulations that will further protect the scenic views provided by Gresham Butte.

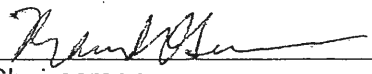
The Planning Commission closed the public hearing and made a final recommendation to Council at the April 13, 2015 meeting.

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 comprehensive plan amendments to the City Council based on the findings, conclusions and recommendations of the staff report and the addendum staff report dated April 13, 2015, with the following changes:

See Attached Page



Chairperson

4.13.2015

Date

Changes as identified in the April 13, 2015 Addendum Staff Report:

P. 28: 8.0151.C.3: change to read as follows:

If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed.

P. 30 Section 10.1532.C.3: change to read as follows:

If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed.

Additional changes:

P. 23 Section 5.0604B.1.f: change to read as follows:

Lighting required to illuminate the flag of the United States of America. Such lighting must be shielded and not visible off of the property.

P. 27 Section 8.0151.C.2: change first two paragraphs to read as follows:

Submittal of a photo simulation taken from parcels outside of the GBSV District using 3D Analyst or another program as approved by the Manager accompanied by an analysis of the contrast rating of the proposed Wireless Communication Facility using the Bureau of Land Management's Manual 8431-Visual Resource Contrast Rating or other tool approved by the Manager.

Wireless Communication Facilities must meet the Class I or Class II Objectives found in Appendix 2 of the Bureau of Land Management's Manual 8431-Visual Resource Contrast Rating when the Wireless Communication Facility is observed from view points outside of the GBSV District.

P. 28 top line: change "outside of Gresham Butte" to "outside of the GBSV District."

P. 28 Section 9.0901.D: change to read as follows:

In the GBSV District, projections above maximum height allowed by Section 9.0901.B and Section 9.0901.C will be reviewed under the criteria set forth in Section 8.0100 for Special Uses or by Section 10.1510 for structures not undergoing a Special Use Review.

P. 30 Section 10.1532.C.2: change "The applicant may submit a photo simulation...." to "Submittal of a photo simulation...."

P. 30 Section 10.1532.C.2: change second and third paragraphs to read as follows:

The structure must meet the Class I or Class II Objectives found in Appendix 2 of the Bureau of Land Management's Manual 8431-Visual Resource Contrast Rating when the structure is observed from view points outside of the GBSV District.

If other approved tools are used, the analysis of the siting of the structure shall determine that, when the structure is observed from viewpoints outside of the GBSV District:



MEMORANDUM

Urban Design & Planning

STAFF REPORT TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT Gresham Butte Scenic View

To: Gresham Planning Commission

From: David Berniker, Director, Urban Design & Planning
Ann Pytynia, Principal Urban Planner, Urban Design & Planning

Hearing Date: April 13, 2015

Report Date: April 2, 2015

File: CPA 15-021

Proposal: To adopt comprehensive plan amendments to Volumes 1, 2 and 3 of the Community Development Plan that:

- a. Add a new Appendix 50 to Volume 1 (Findings) containing the Environmental, Social, Economic and Energy (ESEE) Analysis and Program to Achieve Statewide Goal 5 for the Gresham Butte Scenic View Overlay District.
- b. Amend Volume 2 (Policies) to include Goals, Policies and Action Measures specific to the Gresham Butte Scenic View Overlay District.
- c. Include text amendments to Volume 3 (Development Code) that include changes to development rules that will further the protection of the scenic views provided by Gresham Butte.

Exhibits: 'A' - Proposed Text Amendments

Recommendation: Staff recommends **adoption** of the proposed comprehensive plan amendments.

SECTION I EXECUTIVE SUMMARY

The proposed changes will implement the 2014-2015 Gresham Butte Scenic View Council Work Plan project which was developed to create Comprehensive Plan amendments designed to protect and conserve the scenic views provided by Gresham Butte. Scenic views such as those provided by Gresham Butte promote healthy environments and natural landscapes that contribute to the livability and character of Gresham.

The Gresham Butte Scenic View amendments include a new Appendix 50 to Volume 1 of the Comprehensive Plan in the form of an Economic, Social, Environmental and Energy (ESEE) Analysis of the impacts of new rules designed to protect Gresham Butte as a scenic resource. This ESEE Analysis is required to ensure compliance with Statewide Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces.

Volume 2 changes include goals, policies and action measures that are specifically designed to promote the protection of Gresham Butte and also provide more opportunities for the public to be provided notice of development projects on Gresham Butte.

Amendments to Volume 3 include:

- A new Special Purpose Overlay District, the Gresham Butte Scenic View (GBSV) Overlay District, which includes new rules regarding lighting on Gresham Butte, and recommendations for the use of earth tone colors and non-reflective materials such that the view of Gresham Butte is preserved.
- Amendments that will assist in the further protection of natural forested landscape provided by Gresham Butte by the inclusion of new rules regarding variances to height, modifications of regulations related to allowed increases over the maximum district height, the height and processes involved for the siting of Amateur Radio Antennas, allowed projections above maximum height, and new rules, limitations and restrictions for Special Uses that are characterized by tall structures or land intensive developments.
- Amendments that alter the notice requirements for early neighborhood meetings and development projects on Gresham Butte that require public notice.

The project included the following public meetings and outreach events:

- City Council: 5/20/14, 9/9/14, 1/3/15
- Planning Commission: 4/28/14, 7/14/14, 12/8/14, 3/9/15
- Design Commission: 12/3/14
- Stakeholder Group: 4/17/14, 6/30/14, 11/18/14
- Gresham Butte Neighborhood Association: 6/2/14
- Community Forum: 4/23/14, 7/7/14, 11/19/14
- Open House: 3/12/15

Notice of the Development Code changes were sent to the Department of Land Conservation and Development (DLCD) and Metro on March 20, 2015; complying with the requirement to provide such notice at least 45 days before the first hearing. Notice of the April 13, 2015 Planning Commission hearing was published in the Gresham Outlook on March 31, 2015. Notice of the May 19, 2015 City Council hearing will be published in the Gresham Outlook no later than May 8, 2015.

Proposed Comprehensive Plan Amendments Overview

Text changes to the Community Development Plan are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~/underline. The overview provided below summarizes the changes.

Volume 1 – Findings

A new **Appendix 50** will address findings in the form of an Economic, Social, Environmental and Energy (ESEE) impact analysis of the new rules being adopted to protect lands subject to the new Gresham Butte Scenic View Overlay District. The ESEE Analysis is required in order for the new rules to be in compliance with Statewide Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces.

Portions of Gresham Butte are currently listed as a Significant Natural Resource in Volume 1. The new findings in Volume 1 expand the scope of the protection of Gresham Butte to properties on Gresham Butte at an elevation of 500' or higher, with the southern boundary of the Gresham Butte Scenic View District being the existing saddle trail at the southern portion of Gresham Butte.

Based upon the conclusions of the ESEE Analysis, the development of the Gresham Butte Scenic View District and amendments to Volume 3 of the Development Code will be made such that additional restrictions to and prohibitions of certain uses will serve to enhance the protection of Gresham Butte as a visual resource.

Volume 2 – Policies

New goals, policies and action measures are proposed that promote the protection of Gresham Butte as a scenic resource and also support providing enhanced public notice when new development on Gresham Butte is proposed. The affected Volume 2 section is:

10.221 Natural Resources, Fish and Wildlife Habitat, Water Resources and Ecologically and Scientifically Significant Areas.

Goals: There are two new goals:

- Protect and preserve the scenic view provided by Gresham Butte.
- Gresham citizens will have an enhanced opportunity to participate in land use decisions on Gresham Butte.

Policies: There are five new policies:

- Ensure Gresham Butte developments are designed to maintain its aesthetic quality.
- Ensure developments do not alter Gresham Butte's scenic skyline.
- Encourage creative use of design, lighting, materials and colors.
- Ensure review processes reflect the impact of development upon Gresham Butte.
- Public notice for development proposals on Gresham Butte should be provided in a manner that would allow all Gresham citizens an opportunity to provide comment.

Action Measures: There are eight new action measures:

- Development rules should allow for minimal impact on Gresham Butte.
- Revise rules for Special Uses so that their impact on the natural area is preserved as much as possible.
- Change rules regarding projections above the ridgeline.
- Modify regulations so that project elements blend into the natural environment.
- Periodically review all development rules for Gresham Butte.
- Revise Gresham's Tree Code to define measures to protect the tree cover in the Gresham Butte Scenic View District.
- Determine if an upward classification of review types is warranted for certain developments.
- Expand the public notice requirement for developments on Gresham Butte.

The following amendments are proposed:

- **New Section 5.0600, Gresham Butte Scenic View District.** This is a new Special Purpose Overlay district with additional protections for the scenic views provided by Gresham Butte.
- **Amendments to Section 8.0110, Special Use Review, Type II Procedures** which disallows or modifies the land use process for certain Special Uses on the Butte that tend to be either land intensive or characterized by tall structures. The following uses are disallowed on Gresham Butte:
 - New cemeteries
 - Elementary and middle schools
 - Telephone switching stations
 - New water storage reservoirs
 - Major stormwater treatment facilities
 - Substations

Other changes include:

- Replacement water storage reservoirs can be reviewed under the Type II Special Use process if they do not exceed the maximum height of the underlying district. Those that propose to exceed the height of the underlying district shall be required to also request a Type III Variance and be decided upon by the Planning Commission.
 - Wireless Communication Facilities will be processed as Type III applications reviewed by the Planning Commission. Additional standards will be included that require that the Wireless Communication Facility be appropriately screened from viewpoints outside of the Gresham Butte Scenic View District.
-
- **Changes to Section 9.0901 Projections into Required Yards and Above the Maximum Height** that require projections above maximum height currently allowed without City review to be processed through a Type II Variance or a Special Use Review.
 - **Amendments to Section 10.1022 Amateur Radio and Citizen Band Antenna Development Requirements** that lower the height of a standard antenna structure on Gresham Butte from 100' to 35' and require that the review of these structures go through a Type II process. Currently, Amateur Radio Antenna structures up to 100' in height are allowed through the Type I process.
 - A modification to **Section 10.1510 Type II Minor Variances** that requires any request for a variance to height on Gresham Butte be reviewed under Type III procedures and be decided upon by the Planning Commission. Additional standards are included that require that the structure be adequately screened from viewpoints outside of the Gresham Butte Scenic View District.
 - A change to **Section 10.1521 Modification of Regulations** that disallows additional increases to height on Gresham Butte as allowed by this section of the Code. Applicants may still apply for variances to height.
 - A modification to **Section 11.0402 Type II Procedure** and **Section 11.0502 Type III Procedure** requiring notice of a Type II or Type III application on Gresham Butte to be provided to property owners within 500' of the perimeter of the development site, and to the Presidents and Land Use Chairs of all Neighborhood Associations.
 - **Amendments to Section 11.0800 Neighborhood Meeting** requiring notice of neighborhood meetings to be sent to property owners within 500' of the project perimeter and to the Presidents and Land Use Chairs of all Gresham Neighborhood Associations.

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 Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section V identifies the applicable Oregon Statewide Goals that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through V:
 - 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.
 - Subsection D is findings of fact for the Statewide Planning Goals.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3 (Development Code).

SECTION II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

Section 11.0201	Initiation of an Application
Section 11.0203	Classification of Applications by Procedure
Section 11.0204	Review Authorities
Section 11.0600	Type IV Legislative Procedures
Section 11.1000	Public Hearings

SECTION III APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.220	Natural Resources

SECTION IV APPLICABLE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLES

Title 8	Compliance Procedures
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SECTION V APPLICABLE OREGON STATEWIDE PLANNING GOALS

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 5	Natural Resources, Scenic and Historic Areas and Open Spaces

SECTION VI 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, applicable titles of the Metro

Urban Growth Management Functional Plan, and applicable Statewide Planning Goals as indicated in the following findings.

A. Community Development Code Procedures

1. Section 11.0201 – Initiation. This section provides that only the City Council may initiate a Type IV legislative application to amend the text of the Map or Code of the Gresham Community Development Plan. This project was initiated by City Council as part of the 2014 and 2015 City Council Work Plans. City Council will review these amendments at a hearing on May 19, 2015.

2. Sections 11.0203 and 11.0204 – Classification of Applications and Review Authorities. These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that it generally applies to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a recommendation on the amendments and the City Council be the decision-making authority. This project meets those conditions, is being processed under the Type IV procedures and will be heard by the City Council.

3. Section 11.0600 – Type IV Legislative Procedures. For a Type IV Comprehensive Plan Amendment this section requires a submittal to the DLCD at least 35 days and to Metro at least 45 days prior to the Planning Commission hearing. This submittal was made on February 27, 2015, which is at least 45 days prior to the Planning Commission hearing date of April 13, 2015. This section also 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.

This section also requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. 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 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.

Also, in accordance with ORS 227.186, a Measure 56 notice was mailed on March 20, 2015, to all property owners within the boundaries of the Gresham Butte Scenic View District.

4. Section 11.1000 - Public Hearings. This section provides for a hearing process consistent with Section 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal.

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.

Section 10.014 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 11: The City's land use regulations shall identify and protect designated significant natural resources. These regulations shall have sufficient flexibility to allow development to adapt to unique and difficult conditions.

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan maps to ensure they remain current and responsive to the needs of the community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules, and regional requirements.

Policy 23: Gresham shall coordinate the development, adoption and amendment of its land use related goals, policies and implementing measures with other affected jurisdictions, agencies and special districts.

Policy 26: The City shall, where practical, protect views that contribute to Gresham's identity such as Mt. Hood, the Columbia River Gorge, streams and riparian corridors and the wooded character of buttes and hillsides.

Action Measure 14: Develop and adopt district plans when necessary to enhance opportunities for economic development, social vitality and other quality of life aspects of specific areas.

Findings

The proposed amendments are being implemented as part of the 2014-2015 Gresham Butte Scenic View Council Work Plans. The goal of the project was to create comprehensive plan amendments that protect and conserve the scenic views of Gresham Butte. The City has had a long standing commitment to the protection of Gresham Butte, a highly identifiable city natural resource that is visible from much of Gresham. It is known throughout the region as one of Gresham's most treasured resources and it contributes to the attractiveness and quality of life of the community.

Gresham's Plan has been found to be in compliance with state and regional requirements. The proposed amendments have been found to be in compliance with Gresham's Community Development Plan, state and regional requirements as described in this staff report.

As required by State and Metro regulations a draft of the proposed amendments were sent to Oregon Development and Land Conservation Department (DLCD) and to Metro at least 45 days prior to the scheduled April 13, 2015 Planning Commission hearing. Neither agency has contacted the City regarding this notice.

Conclusion

Policies 11 and 26 are referenced because they reflect the City's commitment to the protection of natural resources and scenic views. Policies 20 and 23 are addressed because they state that city codes should reflect policy direction and remain current with applicable laws; and also that the City needs to coordinate the implementation of land use measures with affected governmental agencies. Action Measure 14 is noted because it states that the City needs to adopt district plans to enhance quality of life issues; and the scenic view provided by Gresham Butte has long been recognized as contributing to the livability of the city.

The proposal is consistent with the applicable goals, policies and action measures listed in this section.

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 4: The City shall provide opportunities for meaningful citizen involvement on site development proposals.

Policy 5: The City shall keep citizens informed of issues confronting the City.

Policy 7: The City shall facilitate involvement of citizens in the planning process, including data collection, plan preparation, adoption, implementation, evaluation and revision.

Policy 10: The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

Findings

The public involvement goals and policies establish the City's intent that its citizens have meaningful opportunities throughout a planning project to be informed and to affect proposals. Public participation opportunities included:

- City Council: 5/20/14, 9/9/14, 1/3/15
- Planning Commission: 4/28/14, 7/14/14, 12/8/14, 3/9/15
- Design Commission: 12/3/14
- Stakeholder Group: 4/17/14, 6/30/14, 11/18/14
- Gresham Butte Neighborhood Association: 6/2/14
- Community Forum: 4/23/14, 7/7/14, 11/19/14
- Open House: 3/12/15
- City staff prepared a project flyer, posted project materials to the City's website, developed an interested parties list to inform citizens of public participation opportunities, and published notice of the public hearings in the *Gresham Outlook*.

Conclusion

The Citizen Involvement Goal (10.100) and related policies were addressed through public notice and presentations at the Planning Commission and the City Council. The implementation of new rules for the Gresham Butte Scenic View District will result in enhanced public involvement for development projects on Gresham Butte. The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

Section 10.200 Natural Resources

Natural Resources Policy: It is the policy of the City to assist in protecting the quality and quantity of the following resources:

1. *Fish and wildlife habitats*
2. *Visual resources (scenic views and sites)*
3. *Water resources*
4. *Ecologically and scientifically significant areas*
5. *Mineral and aggregate resources*
6. *Energy sources*
7. *Significant and unique natural features, such as a major stand of trees.*

The City will assess the impacts on these resources when a development project is proposed. The project developer and city staff shall outline measures to preserve and mitigate negative impacts on these natural resources.

Implementation Strategy 1: An Inventory of Significant Natural Resources and Open Spaces shall be adopted as an appendix to the Community Development Plan. This inventory shall list those natural resource and open space features which are found to be significant in the community. For each resource, the Inventory shall include a description of its characteristics, an analysis of conflicting uses, and a summary of economic, social, environmental and energy (ESEE) consequences of permitting or restricting conflicting uses.

Findings:

The creation of the Gresham Butte Scenic View District and associated amendments to Volume 3 of the Comprehensive Plan result in further protections of Gresham Butte as a visual resource. Amendments to Volume 1 of the Comprehensive Plan include an ESEE consequences analysis of the proposed changes to permitted uses and processes.

Conclusion:

The Natural Resources policy and implementation strategy were addressed through the development of findings and the creation of amendments to rules for development on Gresham Butte. The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

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 submit the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of compliance with the Functional Plan.

The City submitted the proposed amendments to Metro on February 27, 2015, which was at least 45 days prior to the first evidentiary hearing of April 13, 2015. Metro has not contacted the City regarding this notice.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing. The proposal is consistent with Title 8.

D. Oregon Statewide Planning Goals

Findings

Statewide Planning Goal 1 requires that cities “*insure the opportunity for citizens to be involved in all phases of the planning process.*”

Statewide Planning Goal 2 requires cities to “*establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. This shall result in land use plans and implementation measures that are consistent with the land use plans.*”

Statewide Planning Goal 5 states “*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon’s livability.*”

A thorough public input process was provided through community forums, public meetings and the published notices posted in the Gresham Outlook in advance of both the Planning Commission and City Council hearings.

The City has a state-acknowledged Comprehensive Plan. Section VI of this report describes findings and conclusions that the proposed Comprehensive Plan Amendments are consistent with applicable procedures and applicable goals and policies of the City’s Comprehensive Plan.

The new Gresham Butte Scenic View District provides additional protection for one of Gresham’s most treasured scenic resources, Gresham Butte. Goal 5 lists “Scenic Views and Sites” as one type of resource that should be inventoried and protected.

Conclusion

The proposed amendments comply with Statewide Planning Goals 1, 2 and 5. DLCD has not contacted the City regarding the notice for these amendments.

SECTION VII CONCLUSION

The proposed comprehensive plan amendments attached as Exhibit 'A' is consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; Applicable Metro UGMFP titles and the applicable Oregon Statewide Planning Goals; as indicated by findings contained or referenced in Section VI of this report.

SECTION VIII 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

Memorandum TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT Gresham Butte Scenic View

To: Gresham Planning Commission

From: David Berniker, Director, Urban Design & Planning
Ann Pytynia, Principal Urban Planner, Urban Design & Planning

Hearing Date: April 13, 2015

Memo Date: April 13, 2015

File: CPA 15-021

RE: Proposed alternative language regarding vegetation replacement

After further research, staff is proposing alternative language to Gresham Butte Scenic View code language regarding the replacement of vegetation when such vegetation is used to screen Wireless Communication Facilities (WCFs) and structures approved for variances to maximum land use district height as noted below:

I. P. 28: 8.0151.C.3: Current language:

If vegetation being used to screen the Wireless Communication Facility is removed by natural or manmade circumstances, the vegetation must be replaced such that the screening is completely restored within five years of the removal of the vegetation.

Proposed Language: *If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed.*

II. P. 30 Section 10.1532.C.3: Current language:

If vegetation being used to screen the structure is removed by natural or manmade circumstances, the vegetation must be replaced such that the screening is restored within five years of the removal of the vegetation.

Proposed Language: *If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed.*

Staff is of the opinion that this language is more reasonable and eliminates the reference to "manmade" circumstances that are more appropriately handled through Code Compliance.



MEMORANDUM

Urban Design & Planning

Memorandum TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT Gresham Butte Scenic View (GBSV) District

To: Mayor Bemis and Members of the Gresham City Council

From: David Berniker, Director, Urban Design & Planning
Ann Pytynia, Principal Urban Planner, Urban Design & Planning

Hearing Date: May 19, 2015

Memo Date: April 28, 2015

File: CPA 15-021

RE: Proposed language regarding the size of replacement vegetation used for screening Wireless Communication Facilities (WCFs) and structures approved for a variance to maximum height standards in the GBSV District.

At the April 13, 2015 Planning Commission hearing on the Gresham Butte Scenic View Comprehensive Plan Amendments, Planning Commissioners agreed to modifying the Volume 3 Development Code language to require that, if vegetation used for the screening of a WCF or structure approved for a variance to maximum height were to be removed due to natural circumstances such as fire or disease, re-planting of vegetation would be required to be done within six months of the incident that caused the removal.

During the same hearing, the Planning Commission questioned whether the Development Code language should also include a minimum planting size and directed staff to conduct research prior to the City Council hearing. Staff has researched this question with the assistance of an arborist and is recommending that language be included in the Code that mirrors the minimum size required for buffer trees as required by the recently adopted Tree Code. Changes to the following two sections of the proposed Development Code that contain recommended planting sizes are found in *italics*.

- I. P. 28: 8.0151.C.3:** If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy

spread as the vegetation that was removed. *Replacement plantings must be a minimum of 2.5 caliper inches for deciduous trees and a minimum of 8 feet in height for evergreen trees.*

- II. P. 30 Section 10.1532.C.3:** If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed. *Replacement plantings must be a minimum of 2.5 caliper inches for deciduous trees and a minimum of 8 feet in height for evergreen trees.*

Any man-made removal of trees used for screening of WCFs or structures approved for a variance to maximum height would more appropriately be handled through Code Compliance.



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LAND CONSERVATION
AND DEVELOPMENT

CITY OF
GRESHAM

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