



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

07/01/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 001-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 16, 2013

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

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lauren McGuire, City of Gresham
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DLCD

☐ In person ☐ electronic ☐ mailed

DEPT OF

LAND CONSERVATION AND DEVELOPMENT

DATE
STAMP

For Office Use Only

Jurisdiction: **City of Gresham**Local file number: **CPA 12-190**Date of Adoption: **6/18/2013**Date Mailed: **6/25/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/24/2013☒ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Adopted standards and procedures into Gresham's Development Code for renewable energy systems.

Does the Adoption differ from proposal? No, no explanation is necessary

Minor clarification changes only.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No**DLCD file No.** 001-13 (19671) [17505]

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

Metro

Local Contact: **Lauren McGuire**

Phone: **(503) 618-2108**

Extension:

Address: **1333 NW Eastman Parkway**

Fax Number: - -

City: **Gresham** Zip: **97030-**

E-mail Address:

Lauren.McGuire@GreshamOregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Proposed new language is double-underlined;
Proposed deleted language is ~~stricken~~.

CB 04-13

ORDINANCE NO. 1727

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, REGARDING THE RENEWABLE ENERGY STANDARDS PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, DEVELOPMENT CODE, Article 3 Definitions is amended as
follows:

3.0102. List of Terms

Terms used in the Development Code are presented below. General terms that apply throughout the Code are listed in **Section 3.0102**. Terms that are specific to a Development Code section are listed after the General Terms. These categories are:

- A. Habitat Conservation Area Terms and Definitions. **Section 3.0120**
- B. HCA, ESRA, and Article V Terms and Definitions. **Section 3.0130**
- C. ~~Solar~~ Renewable Energy Related Terms and Definitions. **Section 3.0140**
- D. Tree Related Terms and Definitions. **Section 3.0150**

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

General Terms

Battery Charging Station - See Renewable Energy Related Definitions, Section 3.0140

Battery Charging Unit - See Renewable Energy Related Definitions, Section 3.0140

Battery Exchange Station - See Renewable Energy Related Definitions, Section 3.0140

Biogas - See Renewable Energy Related Definitions, Section 3.0140

Blade - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle Charging Station - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle Charging Unit - See Renewable Energy Related Definitions, Section 3.0140

North-South Dimension—See Solar-Related Terms and Definitions, Section 3.0140

Protected Solar Building Line—See Solar-Related Terms and Definitions, Section 3.0140

Photovoltaic Panel - See Renewable Energy Related Definitions, Section 3.0140

Shade—See Solar-Related Terms and Definitions, Section 3.0140

Shade Point—See Solar-Related Terms and Definitions, Section 3.0140

Shade Reduction Line—See Solar-Related Terms and Definitions, Section 3.0140

Shadow Pattern—See Solar-Related Terms and Definitions, Section 3.0140

Solar Access Development Permit—See Solar-Related Terms and Definitions, Section 3.0140

Solar Access Height Limit—See Solar-Related Terms and Definitions, Section 3.0140

Solar Electric System - See Renewable Energy Related Definitions, Section 3.0140

Solar Energy Collecting Structure—See Solar-Related Terms and Definitions, Section 3.0140

Solar Feature—See Solar-Related Terms and Definitions, Section 3.0140

Solar Gain Line—See Solar-Related Terms and Definitions, Section 3.0140

Solar Reflective Index (SRI) - See Renewable Energy Related Definitions, Section 3.0140

Solar Water Heating System - See Renewable Energy Related Definitions, Section 3.0140

South or South-Facility—See Solar-Related Terms and Definitions, Section 3.0140

Sunchart—See Solar-Related Terms and Definitions, Section 3.0140

Renewable Energy Related Terms

- Battery Charging Station
- Battery Charging Unit
- Battery Exchange Station
- Biogas
- Blade
- Electric Vehicle
- Electric Vehicle Charging Station
- Electric Vehicle Charging Unit
- Photovoltaic Panel
- Solar Electric System
- Solar Reflective Index (SRI)

- Solar Water Heating System

Solar-Related Terms

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

3.0100 General Terms and Definitions

Battery Charging Station - See Renewable Energy Related Definitions, Section 3.0140

Battery Charging Unit - See Renewable Energy Related Definitions, Section 3.0140

Battery Exchange Station - See Renewable Energy Related Definitions, Section 3.0140

Biogas - See Renewable Energy Related Definitions, Section 3.0140

Blade - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle Charging Station - See Renewable Energy Related Definitions, Section 3.0140

Electric Vehicle Charging Unit - See Renewable Energy Related Definitions, Section 3.0140

Photovoltaic Panel - See Renewable Energy Related Definitions, Section 3.0140

Solar Electric System - See Renewable Energy Related Definitions, Section 3.0140

Solar Reflective Index (SRI) - See Renewable Energy Related Definitions, Section 3.0140

~~**Solar Reflective Index.** A measure of the constructed surface's ability to reject or reflect solar heat (e.g. a roof) as shown by a small temperature rise. It is defined so that a standard black surface (reflectance 0.05, emittance 0.90) is 0 and a standard white surface (reflectance 0.80, emittance 0.90) is 100. The~~

standard reflective index combines reflectance and emittance into one number. Once the maximum temperature rise of a given material has been computed, the index can be computed by interpolating between the values for white and black. Materials with the highest values are the coolest choices for roofing.

Solar Water Heating System - See Renewable Energy Related Definitions, Section 3.0140

3.0140 Solar-Related Terms and Definitions

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

- ~~**North-South Dimension.** The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary.~~
- ~~**Protected Solar Building Line.** A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees.~~
- ~~**Shade.** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.~~
- ~~**Shade Point.** The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof.~~
- ~~**Shade Reduction Line.** A line drawn parallel to the northern lot line that intersects the shade point.~~
- ~~**Shadow Pattern.** A graphic representation of an area that would be shaded by the point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south.~~
- ~~**Solar Access Development Permit.** A document issued by the City that describes the maximum height that vegetation is allowed to grow on lots to which a development permit for solar access applies.~~
- ~~**Solar Access Height Limit.** A series of contour lines establishing the maximum permitted height allowed for non-exempt vegetation on lots affected by a development permit for solar access.~~
- ~~**Solar Energy Collecting Structure.** An enclosed structure containing habitable living space, attached to a dwelling unit (as authorized in **Section A8.030 Solar Access**), designed for the purpose of collecting and conveying solar energy to the main portion of the dwelling, and meeting the criteria of **Section A8.028**.~~

- ~~**Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater that includes solar panels. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structure member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.~~
- ~~**Solar Gain Line.** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.~~
- ~~**South or South-Facing.** True south, or 20 degrees east of magnetic south.~~
- ~~**Sunchart.** One or more photographs that plot the position of the sun between 10:30 am and 1:30 pm on January 21, prepared pursuant to guidelines issued by the manager. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude or a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.~~

3.0140 Renewable Energy Related Terms and Definitions

The following definitions apply to the application of Section 10.0900 Renewable Energy and sustainability sections within design district standards.

Battery Charging Station. See *Electric Vehicle Charging Station*.

Battery Charging Unit. See *Electric Vehicle Charging Unit*.

Battery Exchange Station. A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery.

Biogas. Generation of energy through the combustion of biological materials to produce heat, steam, or electricity.

Blade. The extensions from the hub of the wind energy turbine which are designed to catch the wind and turn the rotor to generate electricity.

Electric Vehicle. Any vehicle that operates, either partially or exclusively, on electrical energy either from the grid or an off-board source. Electric vehicle examples include vehicles such as a battery electric vehicle and a plug-in hybrid electric vehicle.

Electric Vehicle Charging Station. A cluster of multiple electrical component equipment assemblies or units designed specifically to charge batteries for multiple electric vehicles on a site as a for-profit fueling station. See also *Battery Exchange Station*.

Electric Vehicle Charging Unit. A parking space that is served by battery charging equipment whose primary purpose is to charge batteries within electric vehicles via the transfer of electric energy (by

conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Photovoltaic Panel. A device used for the production of electric power through the conversion of light to electric power by semiconductor devices.

Renewable Energy Systems. Systems which produce energy from sources that do not use up finite natural resources. Examples include solar, wind, biomass, geothermal, and micro-hydro.

Solar Electric System. Equipment and devices that convert and store or transfer energy from the sun to produce electricity that is distributed to the building via an electrical panel or to the grid, offsetting electric energy that would otherwise be purchased from the utility. It typically consists of two primary components:

- Photovoltaic panels or cells, which are commonly installed on the roof or the building walls or windows; and
- One or more inverters, which convert the direct current electricity produced by the panels into alternating current electricity that can be used by the building or stored in batteries.

Solar Reflective Index. A measure of the constructed surface's ability to reject or reflect solar heat (e.g. a roof) as shown by a small temperature rise. It is defined so that a standard black surface (reflectance 0.05, emittance 0.90) is 0 and a standard white surface (reflectance 0.80, emittance 0.90) is 100. The standard reflective index combines reflectance and emittance into one number. Once the maximum temperature rise of a given material has been computed, the index can be computed by interpolating between the values for white and black. Materials with the highest values are the coolest choices for roofing.

Solar Water Heating System. Equipment and devices that have the primary purpose of collecting solar energy by preheating water so that the water heater or boiler reduces energy consumption. The system typically consists of two primary components:

- Solar collectors, which are commonly installed on the roof or the building walls or windows; and
- A storage tank, which is typically co-located with the water heater and in which potable water is preheated by the solar collectors via a heat exchanger.

Section 2. Volume 3, DEVELOPMENT CODE, Section 3.0200 Land Use
Classifications is amended as follows:

3.0230 COMMERCIAL CLASSIFICATIONS

3.0231 Auto-Dependent Use

1. Characteristics. A retail service that provides direct services for motor vehicles where the customer may or may not wait at the site while the service or repair is being performed.
2. Example Uses. Service stations, car washes, quick lubrication services, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing, tire sales and mounting, cardlock stations, and DEQ vehicle emission test sites, electric vehicle battery exchange stations and electric vehicle battery charging stations.
3. Accessory uses. Vacuum islands, offices.

4. Exception.

- a. Fleet charging stations for a single business or industry.

Section 3. Volume 3, DEVELOPMENT CODE, Section 3.0280 Renewable Energy is added as follows:

3.0280 RENEWABLE ENERGY

3.0281 Solar Energy Systems

1. Characteristics. A solar energy system is characterized by equipment and devices that convert, store or transfer energy from the sun into usable forms of energy. The system may be installed on roofs, on the ground, or integrated in building materials.
2. Example Uses. Solar electric (photovoltaic) panels and systems, solar thermal (heating) collector panels or systems, solar water heating systems and integrated solar panels or cells.
3. Accessory Uses. Electrical cabinet containing wires, electrical inverters, batteries, water storage tanks, water heaters, motors, and transmission equipment.
4. Exception.
 - a. A solar energy system that exceeds the threshold in Section 10.0900 of a large scale system which is considered an electrical generating facility.

3.0282 Wind Energy Systems

1. Characteristics. A wind energy system is characterized by equipment and devices that convert, store or transfer energy from the wind into usable forms of energy such as electricity. The system may be installed on roofs or ground-mounted.
2. Example Uses. Vertical axis wind turbines (where the main rotor of the shaft is set vertically) and horizontal axis wind turbines (where the main rotor of the shaft is set parallel to the ground).
3. Accessory Uses. Electrical cabinet or equipment shelters containing wires, motors, and transmission equipment and monopoles.
4. Exceptions.
 - a. A wind energy system that exceeds the threshold in Section 10.0900 of a large scale system which is considered an electrical generating facility.
 - b. Meteorological or wind monitoring towers.

3.0283 Biomass Energy Systems

1. Characteristics. A biomass energy system is characterized by equipment and devices that convert, store or transfer energy from organic biologic materials into usable forms of energy. The system generates energy from controlled combustion of non-hazardous materials.

2. Example Uses. Wood burning, municipal solid waste or plant material combustion facilities, biogas production facilities such as methane gas, biofuels production facilities such as corn fermentation by bacteria and natural gas, hydrogen or biogas fuel cells.
3. Accessory Uses. Electrical cabinets, motors, and transmission equipment.
4. Exceptions.
 - a. Residential pellet stoves and similar wood burning stove conveyances.
 - b. A biomass energy system that exceeds the threshold in Section 10.0900 of a large scale system which is considered an electrical generating facility.
 - c. Biomass energy systems that utilize hazardous waste materials such as industrial sludge, medical or radioactive waste.

3.0284 Geothermal Energy Systems

1. Characteristics. A geothermal energy system is characterized by equipment and devices that convert, store or transfer energy from the heating and cooling potential stored in the earth into usable forms of energy. These systems are closed-loop with two separate but closed loops in the ground - one which is a primary refrigerant loop in the cabinet to exchange heat with the secondary loop of water/anti-freeze mix underground.
2. Example Uses. High temperature geothermal hot water or steam facilities and low temperature heat exchange units or heat pumps to provide interior building space or water heating or cooling.
3. Accessory Uses. Electrical cabinets, motors, and transmission equipment.
4. Exceptions.
 - a. A geothermal energy system that exceeds the threshold in Section 10.0900 of a large scale system which is considered an electrical generating facility.
 - b. Open-loop geothermal equipment with two separate but open loops - a secondary loop that pumps natural ground water from a well or water body into a heat exchanger and then after heat exchange re-injects the water into the ground water or water body.
 - c. Closed-loop or open-loop geothermal energy systems that are in any well field protection areas in the City.

3.0285 Micro-Hydro Energy Systems

1. Characteristics. A micro-hydro energy system is characterized by in-pipe equipment and devices that convert, store or transfer energy from moving water into usable forms of energy.
2. Example Uses. In-pipe water turbines.
3. Accessory Uses. Electrical cabinets, motors, and transmission equipment.
4. Exceptions.
 - a. A micro-hydro energy system that exceeds the threshold in Section 10.0900 of a large scale system which is considered an electrical generating facility.

- b. In-stream micro-hydro systems which are located in a creek or stream.

Section 4. Volume 3, DEVELOPMENT CODE, Section 4.0100 Residential Land Use Districts is amended as follows:

Table 4.0120: Permitted Uses in Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
*****	*****	*****	*****	*****	*****	*****	*****
RENEWABLE ENERGY⁸							
<u>Solar Energy Systems</u>	<u>L⁹</u>	<u>L⁹</u>	<u>L⁹</u>	<u>L⁹</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>
<u>Wind Energy Systems</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>
<u>Biomass Energy Systems</u>	<u>L/SUR¹¹</u>	<u>L/SUR¹¹</u>	<u>L/SUR¹¹</u>	<u>L/SUR¹¹</u>	<u>L¹¹</u>	<u>L¹¹</u>	<u>L¹¹</u>
<u>Geothermal Energy Systems</u>	<u>L¹²</u>	<u>L¹²</u>	<u>L¹²</u>	<u>L¹²</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>
<u>Micro-Hydro Energy Systems</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>
OTHER							
*****	*****	*****	*****	*****	*****	*****	*****

Notes

⁸ See Section 10.0900 for additional standards that apply.

⁹ For limitations, see Section 4.0140 Solar Energy System Standards for Residential Districts.

¹⁰ For limitations, see Section 4.0141 Wind Energy System Standards for Residential Districts.

¹¹ For limitations, see Section 4.0142 Biomass Energy System Standards for Residential Districts.

¹² For limitations, see Section 4.0143 Geothermal Energy System Standards for Residential Districts.

¹³ For limitations, see Section 4.0144 Micro-Hydro Energy System Standards for Residential Districts.

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

- e. Solar collection equipment, vents, antennas and chimneys may project beyond the 45-degree compatibility angle. The maximum projection for solar collection equipment shall be 3 feet 18 inches. For additional solar energy system standards, see Section 10.0900 Renewable Energy.

4.0140 Solar Energy Standards for Residential Districts

Solar energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale solar energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: The following limitations on maximum height apply to solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. Systems shall not exceed the district height limit in which they are located and shall not exceed the roof peak height of the portion of the roof on which the system is installed.
 - b. Ground-mounted. Systems shall not exceed 6 feet in height.
2. MDR-12, MDR-24 and OFR: The following limitations on maximum height apply to solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated.
 - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front or street-side yard between the building and the street in these districts.
2. MDR-12, MDR-24 and OFR: Solar energy systems are not allowed in the required front setback or in the street-side setback and are not allowed in the front yard between the building and the street in these districts.

4.0141 Wind Energy Standards for Residential Districts

Wind energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale wind energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Small and medium scale wind energy systems are permitted in these districts.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: Roof-top wind energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Roof-top and ground-mounted wind energy systems are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: The following limitations on maximum height apply to wind energy systems in these districts:
 - a. Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed.
2. MDR-12, MDR-24 and OFR: The following limitations on maximum height apply to wind energy systems in these districts:
 - a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to 10 feet above the height of the roof on which the system is installed. Additionally, the building height plus the wind energy system height together shall not exceed 45 feet.
 - b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.
2. MDR-12, MDR-24 and OFR: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street in these districts.

4.0142 Biomass Energy Standards for Residential Districts

Biomass energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale biomass energy systems are permitted in these districts with a Special Use Review.
2. MDR-12, MDR-24 and OFR: Small scale biomass energy systems are permitted in these districts.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: Non-hazardous biomass systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Non-hazardous biomass systems are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: Biomass energy systems shall not exceed the maximum district height limits in these districts.
2. MDR-12, MDR-24 and OFR: Biomass energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in front or street-side yards between the building and the street, or in side yards in these districts.
2. MDR-12, MDR-24 and OFR: Biomass energy systems shall not be allowed in the required front, street-side, side or rear setbacks, and are not allowed in front or street-side yards between the building and the street, or in side yards in these districts.

4.0143 Geothermal Energy Standards for Residential Districts

Geothermal energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale geothermal energy systems are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
2. MDR-12, MDR-24 and OFR: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: Geothermal energy systems shall not exceed the maximum district height limits in these districts.
2. MDR-12, MDR-24 and OFR: Geothermal energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per Section 9.0900 Projections.
2. MDR-12, MDR-24 and OFR: Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.0144 Micro-Hydro Energy Standards for Residential Districts

Micro-hydro energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-5, LDR-7, TLDR and TR: Small scale micro-hydro energy systems are permitted in these districts.

2. MDR-12, MDR-24 and OFR: Small scale micro-hydro energy systems are permitted in these districts.

B. Type.

1. LDR-5, LDR-7, TLDR and TR: In-pipe micro-hydro energy systems in water, stormwater or wastewater pipes are permitted in these districts.

2. MDR-12, MDR-24 and OFR: In-pipe micro-hydro energy systems in water, stormwater or wastewater pipes are permitted in these districts.

C. Height.

1. LDR-5, LDR-7, TLDR and TR: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

2. MDR-12, MDR-24 and OFR: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

D. Setbacks and Yards.

1. LDR-5, LDR-7, TLDR and TR: Micro-hydro energy systems contained within piping are allowed and pipe can run within the setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

2. MDR-12, MDR-24 and OFR: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 5. Volume 3, DEVELOPMENT CODE, Section 4.0200 Commercial Land Use Districts is amended as follows:

Table 4.0220: Permitted Uses in Commercial Land Use Districts

USES	NC
*****	*****
RENEWABLE ENERGY	
<u>Solar Energy Systems</u>	<u>L/SUR⁶</u>
<u>Wind Energy Systems</u>	<u>L⁷</u>

<u>Biomass Energy Systems</u>	<u>L⁶</u>
<u>Geothermal Energy Systems</u>	<u>L/SUR⁹</u>
<u>Micro-Hydro Energy Systems</u>	<u>L¹⁰</u>
OTHER	
*****	*****

Notes

⁵ See Section 10.0900 for additional standards that apply.

⁶ For limitations, see Section 4.0232 Solar Energy System Standards for Commercial Districts.

⁷ For limitations, see Section 4.0233 Wind Energy System Standards for Commercial Districts.

⁸ For limitations, see Section 4.0234 Biomass Energy System Standards for Commercial Districts.

⁹ For limitations, see Section 4.0235 Geothermal Energy System Standards for Commercial Districts.

¹⁰ For limitations, see Section 4.0236 Micro-Hydro Energy System Standards for Commercial Districts.

4.0232 Solar Energy Standards for Commercial Districts

Solar energy systems are limited in all commercial districts as follows:

- A. Scale. Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type. Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all solar energy systems:
 - 1. Roof-top, Flat-roof and Integrated.
 - a. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - b. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - 2. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
- D. Setbacks and Yards. Solar energy systems are not allowed in the required front or in the street-side setbacks.

4.0233 Wind Energy Standards for Commercial Districts

Wind energy systems are limited in all commercial districts as follows:

- A. Scale. Small and medium scale wind energy systems are permitted.
- B. Type. Roof-top and ground-mounted wind energy systems are permitted.

C. Height. The following limitations on maximum height apply to all wind energy systems:

1. Roof-top. Wind energy system height shall not exceed a value equal to the building height when the building height is 35 feet or less. For example, a 30 foot tall building could have a 30 foot tall wind energy system installed on its roof for a total height of 60 feet from the ground to top of the wind energy system. In no case can the wind energy system exceed 35 feet in height.
 2. Ground-mounted. Ground-mounted wind energy systems shall not exceed 45 feet in height.
- D. Setbacks and Yards. Wind energy systems are not allowed in required front, street-side, side or rear setbacks and are not allowed in the front or street-side yards between the building and the street.

4.0234 Biomass Energy Standards for Commercial Districts

Biomass energy systems are limited in all commercial districts as follows:

- A. Scale. Small scale biomass energy systems are permitted.
- B. Type. Non-hazardous biomass systems are permitted.
- C. Height. Biomass energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street.

4.0235 Geothermal Energy Standards for Commercial Districts

Geothermal energy systems are limited in all commercial districts as follows:

- A. Scale. Small scale geothermal energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Closed-loop geothermal energy systems that are not in any well field protection areas are permitted.
- C. Height. Geothermal energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.0236 Micro-Hydro Energy Standards for Commercial Districts

Micro-hydro energy systems are limited in all commercial districts as follows:

- A. Scale. Small scale micro-hydro energy systems are permitted.
- B. Type. In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted.
- C. Height. Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
- D. Setbacks and Yards. Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 6. Volume 3, DEVELOPMENT CODE, Section 4.0300 Industrial Land Use Districts is amended as follows:

Table 4.0320: Permitted Uses in Industrial Land Use Districts

USES	HI	GI
*****	*****	*****
RENEWABLE ENERGY⁸		
<u>Solar Energy Systems</u>	<u>P⁹</u>	<u>P⁹</u>
<u>Wind Energy Systems</u>	<u>L/SUR¹⁰</u>	<u>L/SUR¹⁰</u>
<u>Biomass Energy Systems</u>	<u>L/SUR¹¹</u>	<u>L/SUR¹¹</u>
<u>Geothermal Energy Systems</u>	<u>P¹²</u>	<u>P¹²</u>
<u>Micro-Hydro Energy Systems</u>	<u>L¹³</u>	<u>L¹³</u>
OTHER		
*****	*****	*****

Notes

⁸ See Section 10.0900 for additional standards that apply.

⁹ For limitations, see Section 4.0332 Solar Energy System Standards for Industrial Districts.

¹⁰ For limitations, see Section 4.0333 Wind Energy System Standards for Industrial Districts.

¹¹ For limitations, see Section 4.0334 Biomass Energy System Standards for Industrial Districts.

¹² For limitations, see Section 4.0335 Geothermal Energy System Standards for Industrial Districts.

¹³ For limitations, see Section 4.0336 Micro-Hydro Energy System Standards for Industrial Districts.

4.0332 Solar Energy Standards for Industrial Districts

Solar energy systems are limited in all industrial districts as follows:

- A. Scale. Small, medium and large scale solar energy systems are permitted.
- B. Type. Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all solar energy systems:
 - 1. Roof-top, Flat-roof and Integrated. The solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - 2. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
- D. Setbacks and Yards. Solar energy systems are not allowed in the required front or street-side setbacks.

4.0333 Wind Energy Standards for Industrial Districts

Wind energy systems are limited in all industrial districts as follows:

- A. Scale. Small, medium and large scale wind energy systems are permitted. Large scale systems require a Special Use Review when the system is:
 - 1. Located on a building or on a site that is a historic, cultural or archeological resource; or
 - 2. Located adjacent to residentially designated lands.
- B. Type. Roof-top and ground-mounted wind energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all wind energy systems:
 - 1. Roof-top. Wind energy system height shall not exceed a value equal to 45 feet above the roof top.
 - 2. Ground-mounted. Ground-mounted wind energy systems shall not exceed 110 feet in height.
- D. Setbacks and Yards. Wind energy systems are not allowed in the required front, street-side, side or rear setbacks.

4.0334 Biomass Energy Standards for Industrial Districts

Biomass energy systems are limited in all industrial districts as follows:

- A. Scale. Small scale biomass energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Non-hazardous biomass systems are permitted.
- C. Height. Biomass energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Biomass energy systems are not allowed within the required front, street-side, side or rear setbacks.

4.0335 Geothermal Energy Standards for Industrial Districts

Geothermal energy systems are limited in all industrial districts as follows:

- A. Scale. Small or large scale geothermal energy systems are permitted.
- B. Type. Closed-loop geothermal energy systems that are not in any well field protection areas are permitted.
- C. Height. Geothermal energy systems shall not exceed the maximum district height limits.

- D. Setbacks and Yards. Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.0336 Micro-Hydro Energy Standards for Industrial Districts

Micro-hydro energy systems are limited in all industrial districts as follows:

- A. Scale. Small scale micro-hydro energy systems are permitted.
- B. Type. In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted.
- C. Height. Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
- D. Setbacks and Yards. Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 7. Volume 3, DEVELOPMENT CODE, Section 4.0420 Corridor Land Use Districts is amended as follows:

Table 4.0420 Permitted Uses in the Corridor Land Use District

USES	RTC	SC	SC-RJ	CMF	CMU	CC	MC
*****	*****	*****	*****	*****	*****	*****	*****
RENEWABLE ENERGY²⁰							
<u>Solar Energy Systems</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>
<u>Wind Energy Systems</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>	<u>L/SUR²²</u>
<u>Biomass Energy Systems</u>	<u>L²³</u>	<u>L²³</u>	<u>L²³</u>	<u>L²³</u>	<u>L²³</u>	<u>L²³</u>	<u>L²³</u>
<u>Geothermal Energy Systems</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>

Micro-Hydro Energy Systems	<u>L 25</u>	<u>L 25</u>	<u>L 25</u>	<u>L 25</u>	<u>L 25</u>	<u>L 25</u>	<u>L 25</u>
OTHER							
*****	*****	*****	*****	*****	*****	*****	*****

Notes

²⁰ See Section 10.0900 for additional standards that apply.

²¹ For limitations, see Section 4.0442 Solar Energy System Standards for Corridor Districts.

²² For limitations, see Section 4.0443 Wind Energy System Standards for Corridor Districts.

²³ For limitations, see Section 4.0444 Biomass Energy System Standards for Corridor Districts.

²⁴ For limitations, see Section 4.0445 Geothermal Energy System Standards for Corridor Districts.

²⁵ For limitations, see Section 4.0446 Micro-Hydro Energy System Standards for Corridor Districts.

4.0442 Solar Energy Standards for Corridor Districts

Solar energy systems are limited in all Corridor districts as follows:

- A. Scale. Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type. Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all solar energy systems:
 - 1. Roof-top, Flat-roof and Integrated.
 - a. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - b. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - 2. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
- D. Setbacks and Yards. Solar energy systems are not allowed in the required front or street-side setbacks.

4.0443 Wind Energy Standards for Corridor Districts

Wind energy systems are limited in all Corridor districts as follows:

- A. Scale. Small and medium scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type. Roof-top and ground-mounted wind energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all wind energy systems:
 - 1. Roof-top. Wind energy system height shall not exceed a value equal to the building height when

the building height is 45 feet or less. For example, a 20 foot tall building could have a 20 foot tall wind energy system installed on its roof for a total height of 40 feet from the ground to top of the wind energy system.

For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum. For example, a 60 foot tall building could have a 45 foot tall wind energy system installed on its roof for a total height of 105 feet from the ground to the top of the wind energy system.

2. Ground-mounted. Ground-mounted wind energy systems shall not exceed 45 feet in height. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review.
- D. Setbacks and Yards. Wind energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street.

4.0444 Biomass Energy Standards for Corridor Districts

Biomass energy systems are limited in all Corridor districts as follows:

- A. Scale. Small scale biomass energy systems are permitted.
- B. Type. Non-hazardous biomass systems are permitted.
- C. Height. Biomass energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street.

4.0445 Geothermal Energy Standards for Corridor Districts

Geothermal energy systems are limited in all Corridor districts as follows:

- A. Scale. Small scale geothermal energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Closed-loop geothermal energy systems that are not in any well field protection areas are permitted.
- C. Height. Geothermal energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.0446 Micro-Hydro Energy Standards for Corridor Districts

Micro-hydro energy systems are limited in all Corridor districts as follows:

- A. Scale. Small scale micro-hydro energy systems are permitted.
- B. Type. In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted.
- C. Height. Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
- D. Setbacks and Yards. Micro-hydro energy systems contained within piping are allowed and pipe can

run within the required setbacks. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 8. Volume 3, DEVELOPMENT CODE, Section 4.1100 Downtown Plan District is amended as follows:

Table 4.1120 Permitted Uses in the Downtown Plan District

USES	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL
*****	****	****	****	****	****	****	****
RENEWABLE ENERGY¹⁴							
<u>Solar Energy Systems</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>L/SUR¹⁵</u>	<u>L¹⁵</u>	<u>L¹⁵</u>	<u>L/SUR¹⁵</u>
<u>Wind Energy Systems</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>L¹⁶</u>	<u>L¹⁶</u>	<u>L/SUR¹⁶</u>
<u>Biomass Energy Systems</u>	<u>L¹⁷</u>	<u>L¹⁷</u>	<u>L¹⁷</u>	<u>L¹⁷</u>	<u>L/SUR¹⁷</u>	<u>L/SUR¹⁷</u>	<u>L¹⁷</u>
<u>Geothermal Energy Systems</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>	<u>L¹⁸</u>	<u>L¹⁸</u>	<u>L/SUR¹⁸</u>
<u>Micro-Hydro Energy Systems</u>	<u>L¹⁹</u>	<u>L¹⁹</u>	<u>L¹⁹</u>	<u>L¹⁹</u>	<u>L¹⁹</u>	<u>L¹⁹</u>	<u>L¹⁹</u>
OTHER							
*****	****	****	****	****	****	****	****

Notes

¹⁴ See Section 10.0900 for additional standards that apply.

¹⁵ For limitations, see Section 4.1134 Solar Energy System Standards for Downtown Districts.

¹⁶ For limitations, see Section 4.1135 Wind Energy System Standards for Downtown Districts.

¹⁷ For limitations, see Section 4.1136 Biomass Energy System Standards for Downtown Districts.

¹⁸ For limitations, see Section 4.1137 Geothermal Energy System Standards for Downtown Districts.

¹⁹ For limitations, see Section 4.1138 Micro-Hydro Energy System Standards for Downtown Districts.

4.1134 Solar Energy Standards for Downtown Districts

Solar energy systems are limited in Downtown districts as follows:

A. Scale.

1. DRL-1 and DRL-2: Small scale solar energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. DRL-1 and DRL-2: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.

C. Height.

1. DRL-1 and DRL-2: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
2. DCC, DMU, DTM, DEM, and DCL: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated.
 - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.

D. Setbacks and Yards.

1. DRL-1 and DRL-2: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Solar energy systems are not allowed in the required front or street-side setback.

4.1135 Wind Energy Standards for Downtown Districts

Wind energy systems are limited in Downtown districts as follows:

A. Scale

1. DRL-1 and DRL-2: Small scale wind energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Small and medium scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. DRL-1 and DRL-2: Roof-top wind energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Roof-top and ground-mounted wind energy systems are permitted in these districts.

C. Height.

1. DRL-1 and DRL-2: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed.
2. DCC, DMU, DTM, DEM, and DCL: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.
 - b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review.

D. Setbacks and Yards.

1. DRL-1 and DRL-2: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.

4.1136 Biomass Energy Standards for Downtown Districts

Biomass energy systems are limited in Downtown districts as follows:

A. Scale.

1. DRL-1 and DRL-2: Small scale biomass energy systems are permitted in these districts with a Special Use Review.
2. DCC, DMU, DTM, DEM, and DCL: Small scale biomass energy systems are permitted in these districts.

B. Type.

1. DRL-1 and DRL-2: Non-hazardous biomass systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Non-hazardous biomass systems are permitted in these districts.

C. Height.

1. DRL-1 and DRL-2: Biomass energy systems shall not exceed the maximum district height limits in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Biomass energy systems shall not exceed the maximum

district height limits in these districts.

D. Setbacks and Yards.

1. DRL-1 and DRL-2: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street, or in the side yards in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.

4.1137 Geothermal Energy Standards for Downtown Districts

Geothermal energy systems are limited in Downtown districts as follows:

A. Scale.

1. DRL-1 and DRL-2: Small scale geothermal energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. DRL-1 and DRL-2: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.

C. Height

1. DRL-1 and DRL-2: Geothermal systems shall not exceed the maximum district height limits in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Geothermal systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. DRL-1 and DRL-2: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps, can project into the setbacks per Section 9.0900 Projections.
2. DCC, DMU, DTM, DEM, and DCL: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.1138 Micro-Hydro Energy Standards for Downtown Districts

Micro-hydro energy systems are limited in Downtown districts as follows:

A. Scale.

1. DRL-1 and DRL-2: Small scale micro-hydro energy systems are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: Small scale micro-hydro energy systems are permitted in these districts.

B. Type.

1. DRL-1 and DRL-2: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.
2. DCC, DMU, DTM, DEM, and DCL: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.

C. Height.

1. DRL-1 and DRL-2: Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment in these districts. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
2. DCC, DMU, DTM, DEM, and DCL: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

D. Setbacks and Yards.

1. DRL-1 and DRL-2: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.
2. DCC, DMU, DTM, DEM, and DCL: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

4.1151.A.6.D.2.c Sustainable Design

Install solar energy panels, ~~as approved by the Manager or Design Commission,~~ on the roof of the building or other location. The location and configuration of solar energy panels shall be approved by the Manager or Design Commission depending on the procedure type only as permitted in Section 4.1100, 4.1134-4.1138 and 10.0900. Solar energy panels shall be integrated into the building design or shall be designed to have minimal adverse visual effects on other surrounding areas. The quantity of solar energy panels shall:

1. Generate at least 10 percent of the typical energy usage for the building. The typical energy model for the building shall be determined by referencing the LEED standards; or
2. Comprise an area greater than or equal to 20 percent of the roof area.

Section 9. Volume 3, DEVELOPMENT CODE, Section 4.1200 Civic Neighborhood Plan District is amended as follows:

Table 4.1220: Permitted Uses in the Civic Neighborhood District

USES	TDM-C	TDH-C	HDR-C	MDR-C
*****	***	***	***	***
RENEWABLE ENERGY¹²				
Solar Energy Systems	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>	<u>L/SUR¹³</u>
Wind Energy Systems	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>	<u>L/SUR¹⁴</u>
Biomass Energy Systems	<u>L¹⁵</u>	<u>L¹⁵</u>	<u>L¹⁵</u>	<u>L¹⁵</u>
Geothermal Energy Systems	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>	<u>L/SUR¹⁶</u>
Micro-Hydro Energy Systems	<u>L¹⁷</u>	<u>L¹⁷</u>	<u>L¹⁷</u>	<u>L¹⁷</u>
OTHER				
*****	***	***	***	***

Notes

¹² See Section 10.0900 for additional standards that apply.

¹³ For limitations, see Section 4.1250 Solar Energy System Standards for Civic Neighborhood Districts.

¹⁴ For limitations, see Section 4.1251 Wind Energy System Standards for Civic Neighborhood Districts.

¹⁵ For limitations, see Section 4.1252 Biomass Energy System Standards for Civic Neighborhood Districts.

¹⁶ For limitations, see Section 4.1253 Geothermal Energy System Standards for Civic Neighborhood Districts.

¹⁷ For limitations, see Section 4.1254 Micro-Hydro Energy System Standards for Civic Neighborhood Districts.

4.1250 Solar Energy Standards for Civic Neighborhood Districts

Solar energy systems are limited in all Civic Neighborhood districts as follows:

- A. Scale. Small and medium scale solar energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all solar energy systems:
 - 1. Roof-top, Flat-roof and Integrated.
 - a. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - b. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - 2. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
- D. Setbacks and Yards. Solar energy systems are not allowed in the required front or street-side

setbacks.

4.1251 Wind Energy Standards for Civic Neighborhood Districts

Wind energy systems are limited in all Civic Neighborhood districts as follows:

- A. Scale. Small and medium scale wind energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Roof-top and ground-mounted wind energy systems are permitted.
- C. Height. The following limitations on maximum height apply to all wind energy systems:
 - 1. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.
 - 2. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review.
- D. Setbacks and Yards. Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street.

4.1252 Biomass Energy Standards for Civic Neighborhood Districts

Biomass energy systems are limited in all Civic Neighborhood districts as follows:

- A. Scale. Small scale biomass energy systems are permitted.
- B. Type. Non-hazardous biomass systems are permitted.
- C. Height. Biomass energy systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street.

4.1253 Geothermal Energy Standards for Civic Neighborhood Districts

Geothermal energy systems are limited in all Civic Neighborhood districts as follows:

- A. Scale. Small scale geothermal energy systems are permitted. Large scale systems are permitted with a Special Use Review.
- B. Type. Closed-loop geothermal energy systems that are not in any well field protection areas are permitted.
- C. Height. Geothermal systems shall not exceed the maximum district height limits.
- D. Setbacks and Yards. Geothermal systems are not allowed in the required front, street-side, side or rear setbacks, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.1254 Micro-Hydro Energy Standards for Civic Neighborhood Districts

Micro-hydro energy systems are limited in all Civic Neighborhood districts as follows:

- A. Scale. Small scale micro-hydro energy systems are permitted.
- B. Type. In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted.
- C. Height. Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
- D. Setbacks and Yards. Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 10. Volume 3, DEVELOPMENT CODE, Section 4.1300 Gresham Butte Plan District is amended as follows:

4.1310 Type of Development Allowed and Setback Minimum

The permitted uses of Table 4.0120 under LDR-5 apply.

The LDR-5 development types are allowed except the Gresham Butte Plan District specifically prohibits:

- 1. Two Unit Attached Dwellings
- 2. Zero Lot Line Dwellings

The LDR-5 setback requirements are required except that the side yard setback shall be a minimum of 10 feet to encourage side yard planting.

Section 11. Volume 3, DEVELOPMENT CODE, Section 4.1400 Pleasant Valley District - Residential is amended as follows:

Table 4.1407: Permitted Uses in the Pleasant Valley District – Residential

USES	LDR-PV	MDR-PV	HDR-PV
*****	*****	*****	*****
RENEWABLE ENERGY			
<u>Solar Energy Systems</u>	<u>L⁹</u>	<u>L/SUR⁹</u>	<u>L/SUR⁹</u>
<u>Wind Energy Systems</u>	<u>L¹⁰</u>	<u>L¹⁰</u>	<u>L¹⁰</u>
<u>Biomass Energy Systems</u>	<u>L/SUR¹¹</u>	<u>L¹¹</u>	<u>L¹¹</u>

<u>Geothermal Energy Systems</u>	<u>L¹²</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>
<u>Micro-Hydro Energy Systems</u>	<u>L¹³</u>	<u>L¹³</u>	<u>L¹³</u>
OTHER			
*****	*****	*****	*****

Notes

⁸ See Section 10.0900 for additional standards that apply.

⁹ For limitations, see Section 4.1487 Solar Energy System Standards for Pleasant Valley Districts.

¹⁰ For limitations, see Section 4.1488 Wind Energy System Standards for Pleasant Valley Districts.

¹¹ For limitations, see Section 4.1489 Biomass Energy System Standards for Pleasant Valley Districts.

¹² For limitations, see Section 4.1490 Geothermal Energy System Standards for Pleasant Valley Districts.

¹³ For limitations, see Section 4.1491 Micro-Hydro Energy System Standards for Pleasant Valley Districts.

Table 4.1420: Permitted Uses in the Pleasant Valley District – Mixed-Use and Employment

USES	TC-PV	NC-PV	MUE-PV	EC-PV
*****	*****	*****	*****	*****
RENEWABLE ENERGY¹⁷				
<u>Solar Energy Systems</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>	<u>L/SUR¹⁸</u>
<u>Wind Energy Systems</u>	<u>L/SUR¹⁹</u>	<u>L/SUR¹⁹</u>	<u>L/SUR¹⁹</u>	<u>L/SUR¹⁹</u>
<u>Biomass Energy Systems</u>	<u>L²⁰</u>	<u>L²⁰</u>	<u>L²⁰</u>	<u>L²⁰</u>
<u>Geothermal Energy Systems</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>	<u>L/SUR²¹</u>
<u>Micro-Hydro Energy Systems</u>	<u>L²²</u>	<u>L²²</u>	<u>L²²</u>	<u>L²²</u>
OTHER				
*****	*****	*****	*****	*****

Notes

¹⁷ See Section 10.0900 for additional standards that apply.

¹⁸ For limitations, see Section 4.1487 Solar Energy System Standards for Pleasant Valley Districts.

¹⁹ For limitations, see Section 4.1488 Wind Energy System Standards for Pleasant Valley Districts.

²⁰ For limitations, see Section 4.1489 Biomass Energy System Standards for Pleasant Valley Districts.

²¹ For limitations, see Section 4.1490 Geothermal Energy System Standards for Pleasant Valley Districts.

²² For limitations, see Section 4.1491 Micro-Hydro Energy System Standards for Pleasant Valley Districts.

4.1437 Uses Allowed Under Prescribed Conditions

Table 4.1437(F): Renewable Energy Permitted Uses in the Pleasant Valley District – Environmentally Sensitive/Restoration Areas

<u>USES</u>	<u>ESRA-PV</u>
<u>RENEWABLE ENERGY</u>	
<u>Solar Energy Systems</u>	<u>L²</u>
<u>Wind Energy Systems</u>	<u>L³</u>
<u>Biomass Energy Systems</u>	<u>L/SUR⁴</u>
<u>Geothermal Energy Systems</u>	<u>L⁵</u>
<u>Micro-Hydro Energy Systems</u>	<u>L⁶</u>

Notes

¹ See Section 10.0900 for additional standards that apply.

² For limitations, see Section 4.1487 Solar Energy System Standards for Pleasant Valley Districts.

³ For limitations, see Section 4.1488 Wind Energy System Standards for Pleasant Valley Districts.

⁴ For limitations, see Section 4.1489 Biomass Energy System Standards for Pleasant Valley Districts.

⁵ For limitations, see Section 4.1490 Geothermal Energy System Standards for Pleasant Valley Districts.

⁶ For limitations, see Section 4.1491 Micro-Hydro Energy System Standards for Pleasant Valley Districts.

4.1487 Solar Energy Standards for Pleasant Valley Districts

Solar energy systems are limited in Pleasant Valley districts as follows:

A. Scale,

1. LDR-PV and ESRA-PV: Small scale solar energy systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type,

1. LDR-PV and ESRA-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.

2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.

C. Height.

1. LDR-PV and ESRA-PV: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated.
 - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.

D. Setbacks and Yards.

1. LDR-PV and ESRA-PV: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Solar energy systems are not allowed in the required front or street-side setbacks.

4.1488 Wind Energy Standards for Pleasant Valley Districts

Wind energy systems are limited in residential districts as follows:

A. Scale.

1. LDR-PV and ESRA-PV: Small scale wind energy systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. LDR-PV and ESRA-PV: Roof-top wind energy systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top and ground-mounted wind energy systems are permitted in these districts.

C. Height.

1. LDR-PV and ESRA-PV: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is

installed.

2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to all wind energy systems in these districts:

- a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.
- b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review.

D. Setbacks and Yards.

1. LDR-PV and ESRA-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.

4.1489 Biomass Energy Standards for Pleasant Valley Districts

Biomass energy systems are limited in Pleasant Valley districts as follows:

A. Scale.

1. LDR-PV and ESRA-PV: Small scale biomass energy systems are permitted in these districts with a Special Use Review.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale biomass energy systems are permitted in these districts.

B. Type.

1. LDR-PV and ESRA-PV: Non-hazardous biomass systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Non-hazardous biomass systems are permitted in these districts.

C. Height.

1. LDR-PV and ESRA-PV: Biomass energy systems shall not exceed the maximum district height limits in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Biomass energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. LDR-PV and ESRA-PV: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street, or in the side yards in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street in these districts.

4.1490 Geothermal Energy Standards for Pleasant Valley Districts

Geothermal energy systems are limited in Pleasant Valley districts as follows:

A. Scale.

1. LDR-PV and ESRA-PV: Small scale geothermal energy systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. LDR-PV and ESRA-PV: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.

C. Height.

1. LDR-PV and ESRA-PV: Geothermal systems shall not exceed the maximum district height limits in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. LDR-PV and ESRA-PV: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per Section 9.0900 Projections.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.1491 Micro-Hydro Energy Standards for Pleasant Valley Districts

Micro-hydro energy systems are limited in Pleasant Valley districts as follows:

A. Scale.

1. LDR-PV and ESRA-PV: Small scale micro-hydro energy systems are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale micro-hydro energy systems are permitted in these districts.

B. Type.

1. LDR-PV and ESRA-PV: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.

C. Height.

1. LDR-PV and ESRA-PV: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

D. Setbacks and Yards.

1. LDR-PV and ESRA-PV: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.
2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 12. Volume 3, DEVELOPMENT CODE, Section 4.1500 Springwater Plan District is amended as follows:

Table 4.1507: Permitted Uses in the Springwater District – Residential

USES	VLDR-SW	LDR-SW	THR-SW
*****	*****	*****	*****
RENEWABLE ENERGY			
<u>Solar Energy Systems</u>	<u>L 10</u>	<u>L 13</u>	<u>L 10</u>
<u>Wind Energy Systems</u>	<u>L 11</u>	<u>L 11</u>	<u>L 11</u>
<u>Biomass Energy Systems</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>	<u>L/SUR¹²</u>
<u>Geothermal Energy Systems</u>	<u>L 13</u>	<u>L 13</u>	<u>L 13</u>
<u>Micro-Hydro Energy Systems</u>	<u>L 14</u>	<u>L 14</u>	<u>L 14</u>
OTHER			
*****	*****	*****	*****

Notes

⁹ See Section 10.0900 for additional standards that apply.

¹⁰ For limitations, see Section 4.1595 Solar Energy System Standards for Springwater Districts.

¹¹ For limitations, see Section 4.1596 Wind Energy System Standards for Springwater Districts.

¹² For limitations, see Section 4.1597 Biomass Energy System Standards for Springwater Districts.

¹³ For limitations, see Section 4.1598 Geothermal Energy System Standards for Springwater Districts.

¹⁴ For limitations, see Section 4.1599 Micro-Hydro Energy System Standards for Springwater Districts.

Table 4.1520: Permitted Uses in the Springwater District – Mixed-Use, Employment and Industrial

USES	VC-SW	RTI-SW	IND-SW	NC-SW
*****	*****	*****	*****	*****
RENEWABLE ENERGY				
Solar Energy Systems	<u>L/SUR²²</u>	<u>P²²</u>	<u>P²²</u>	<u>L/SUR²²</u>
Wind Energy Systems	<u>L/SUR²³</u>	<u>L/SUR²³</u>	<u>L/SUR²³</u>	<u>L/SUR²³</u>
Biomass Energy Systems	<u>L²⁴</u>	<u>L/SUR²⁴</u>	<u>L/SUR²⁴</u>	<u>L²⁴</u>
Geothermal Energy Systems	<u>L/SUR²⁵</u>	<u>P²⁵</u>	<u>P²⁵</u>	<u>L/SUR²⁵</u>
Micro-Hydro Energy Systems	<u>L²⁶</u>	<u>L²⁶</u>	<u>L²⁶</u>	<u>L²⁶</u>
OTHER				
*****	*****	*****	*****	*****

Notes

²¹ See Section 10.0900 for additional standards that apply.

²² For limitations, see Section 4.1595 Solar Energy System Standards for Springwater Districts.

²³ For limitations, see Section 4.1596 Wind Energy System Standards for Springwater Districts.

²⁴ For limitations, see Section 4.1597 Biomass Energy System Standards for Springwater Districts.

²⁵ For limitations, see Section 4.1598 Geothermal Energy System Standards for Springwater Districts.

²⁶ For limitations, see Section 4.1599 Micro-Hydro Energy System Standards for Springwater Districts.

4.1577 Uses Allowed Under Prescribed Conditions

Table 4.1577(G): Renewable Energy Permitted Uses in the Springwater District – Environmentally Sensitive/Restoration Areas

<u>USES</u>	<u>ESRA-SW</u>
<u>RENEWABLE ENERGY</u>	
<u>Solar Energy Systems</u>	<u>L²</u>
<u>Wind Energy Systems</u>	<u>L³</u>
<u>Biomass Energy Systems</u>	<u>L/SUR⁴</u>
<u>Geothermal Energy Systems</u>	<u>L⁵</u>
<u>Micro-Hydro Energy Systems</u>	<u>L⁶</u>

Notes

¹ See Section 10.0900 for additional standards that apply.

² For limitations, see Section 4.1595 Solar Energy System Standards for Springwater Districts.

³ For limitations, see Section 4.1596 Wind Energy System Standards for Springwater Districts.

⁴ For limitations, see Section 4.1597 Biomass Energy System Standards for Springwater Districts.

⁵ For limitations, see Section 4.1598 Geothermal Energy System Standards for Springwater Districts.

⁶ For limitations, see Section 4.1599 Micro-Hydro Energy System Standards for Springwater Districts.

4.1595 Solar Energy Standards for Springwater Districts

Solar energy systems are limited in Springwater districts as follows:

A. Scale.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Small scale solar energy systems are permitted in these districts.
2. NC-SW and VC-SW: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
3. RTI-SW and IND-SW: Small, medium and large scale solar energy systems are permitted in these districts.

B. Type.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
2. NC-SW and VC-SW: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
3. RTI-SW and IND-SW: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.

C. Height.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
2. NC-SW and VC-SW: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated.
 - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
3. RTI-SW and IND-SW: The following limitations on maximum height apply to all solar energy systems in these districts:
 - a. Roof-top, Flat-roof and Integrated. The solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
 - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.

D. Setbacks and Yards.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.
2. NC-SW and VC-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts.
3. RTI-SW and IND-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts.

4.1596 Wind Energy Standards for Springwater Districts

Wind energy systems are limited in Springwater districts as follows:

A. Scale.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Small scale wind energy systems are permitted in these districts.
2. NC-SW and VC-SW: Small and medium wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
3. RTL-SW and IND-SW: Small, medium and large scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review when the system is:
 - a. Located on a building or on a site that is a historic, cultural or archeological resource; or
 - b. Located adjacent to residentially designated lands.

B. Type.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Roof-top wind energy systems are permitted in these districts.
2. NC-SW and VC-SW: Roof-top and ground-mounted wind energy systems are permitted in these districts.
3. RTL-SW and IND-SW: Roof-top and ground-mounted wind energy systems are permitted in these districts.

C. Height.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed.
2. NC-SW and VC-SW: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.
 - b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system.
3. RTL-SW and IND-SW: The following limitations on maximum height apply to all wind energy systems in these districts:
 - a. Roof-top. Wind energy system height shall not exceed a value equal to 45 feet above the roof top.
 - b. Ground-mounted. Ground-mounted wind energy systems shall not exceed 110 feet in height.

D. Setbacks and Yards.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.
2. NC-SW and VC-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.
3. RTL-SW and IND-SW: Wind energy systems are not allowed in the required front, street-side,

side or rear setbacks in these districts.

4.1597 Biomass Energy Standards for Springwater Districts

Biomass energy systems are limited in Springwater districts as follows:

A. Scale.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Small scale biomass energy systems are permitted in these districts with a Special Use Review.
2. NC-SW and VC-SW: Small scale biomass energy systems are permitted in these districts.
3. RTI-SW and IND-SW: Small scale biomass energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.

B. Type.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Non-hazardous biomass systems are permitted in these districts.
2. NC-SW and VC-SW: Non-hazardous biomass systems are permitted in these districts.
3. RTI-SW and IND-SW: Non-hazardous biomass systems are permitted in these districts.

C. Height.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Biomass energy systems shall not exceed the maximum district height limits in these districts.
2. NC-SW and VC-SW: Biomass energy systems shall not exceed the maximum district height limits in these districts.
3. RTI-SW and IND-SW: Biomass energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street, or in the side yards in these districts.
2. NC-SW and VC-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed the front or street-side yards between the building and the street in these districts.
3. RTI-SW and IND-SW: Biomass energy systems are not allowed within the required front, street-side, side or rear setbacks in these districts.

4.1598 Geothermal Energy Standards for Springwater Districts

Geothermal energy systems are limited in Springwater districts as follows:

A. Scale.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Small scale geothermal energy systems are permitted in these districts.

2. NC-SW and VC-SW: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
3. RTI-SW and IND-SW: Small or large scale geothermal energy systems are permitted.

B. Type.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
2. NC-SW and VC-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
3. RTI-SW and IND-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.

C. Height

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Geothermal systems shall not exceed the maximum district height limits in these districts.
2. NC-SW and VC-SW: Geothermal systems shall not exceed the maximum district height limits in these districts.
3. RTI-SW and IND-SW: Geothermal energy systems shall not exceed the maximum district height limits in these districts.

D. Setbacks and Yards.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps, can project into the setbacks per Section 9.0900 Projections.
2. NC-SW and VC-SW: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.
3. RTI-SW and IND-SW: Geothermal energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units like heat pumps can project into the setbacks per Section 9.0900 Projections.

4.1599 Micro-Hydro Energy Standards for Springwater Districts

Micro-hydro energy systems are limited in Springwater districts as follows:

A. Scale.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Small scale micro-hydro energy systems are permitted in these districts.
2. NC-SW and VC-SW: Small scale micro-hydro energy systems are permitted in these districts.
3. RTI-SW and IND-SW: Small scale micro-hydro energy systems are permitted in these districts.

B. Type.

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.

2. NC-SW and VC-SW: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.
3. RTI-SW and IND-SW: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.

C. Height

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
2. NC-SW and VC-SW: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.
3. RTI-SW and IND-SW: Generally the district height limits apply. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.

D. Setbacks and Yards

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.
2. NC-SW and VC-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.
3. RTI-SW and IND-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks. However, if supplemental equipment structures accompany the in-pipe systems, then the district setbacks limits apply.

Section 13. Volume 3, DEVELOPMENT CODE, Section 7.0000 Design Review and 7.0100 Two or More Units, Elderly Housing and Mixed-Use (Multi-family Residential) Design Guidelines and Standards are amended as follows:

7.0002 General

D. Uses exempt from Design Review include:

1. Duplexes in the LDR-5, LDR-7, TR, TLDR district, LDR-PV or LDR-SW
2. Single Family detached homes
3. Accessory and Ancillary dwellings
4. Type I community service uses
5. Renewable energy systems except that the following standards discussing mechanical equipment placement and screening apply:
 - a. 4.1151(A)(1)(C)(13) and (25)
 - b. 4.1151(A)(1)(D)(13) and (25)
 - c. 4.1151(B)(2)(C)(1) and (2)

- d. 4.1151(B)(2)(D)(1) and (2)
- e. 4.1242(G)(11)
- f. 4.1428(G)(11)
- g. 4.1528(G)(9)
- h. 4.1568(B)(15)
- i. 7.0103(B)(2)(C)(2) and (7)
- j. 7.0103(B)(2)(D)(2) and (7)
- k. 7.0103(B)(4)(C)(3)
- l. 7.0103(B)(4)(D)(3)(d)
- m. 7.0201(L)(8)(b)(c) and (d)
- n. 7.0202(Q)
- o. 7.0503(1)(B)(2)(C)(1) and (2)
- p. 7.0503(1)(B)(2)(D)(1) and (2)
- q. 7.0503(1)(C)(1)(C)(1) and (4)
- r. 7.0503(1)(C)(1)(D)(1) and (4)(b)
- s. 7.0503(2)(B)(2)(C)(1)
- t. 7.0503(2)(B)(2)(D)(1)
- u. 7.0603(B)(5)(C)(1)
- v. 7.0603(B)(5)(D)(1)
- w. 7.0603(C)(1)(C)(3)
- x. 7.0603(C)(1)(D)(3)

- E. Exemption from Design Review does not exempt a development from meeting other relevant standards within the Community Development Code including but not limited to: district standards, transit standards, non-conforming development standards, and public facilities standards.

7.0103(A)(2)(D)(1) Sustainable Site Design

Energy conservation in site development shall be promoted through a minimum of two (2) of the following:

- d. Include solar energy panels on the roof of the building, garage or car port that generate at a minimum 10% of the typical energy usage for the building in renewable energy. The typical energy model for the building shall be determined by referencing the LEED™ standards. The location and configuration of solar energy panels shall be approved by the Manager or Design Commission depending on the procedure type only as permitted in Article 4 and Section 10.0900. Solar panels shall be integrated into the building design or shall be screened from view at street level with materials that are consistent with the building design and yet do not interfere with the purpose of the solar panels;

7.0103(B)(2)(D)(7) Façade Composition

The Manager may require a review of screening of rooftop equipment by requesting sight line studies. Roof-top solar equipment that is installed parallel to the roof or within 18 inches of the roof that does not

exceed the peak height of the roof, and that does not increase the footprint of the building is exempt from this requirement for extensive surveys or site evaluations only as specified in Article 4 and Section 10.0900.

7.0103(B)(4)(D)(3)(d) Sustainable Architecture

The location and configuration of solar energy panels shall be approved by the Manager or Design Commission depending on the procedure type only as permitted in Article 4 and Section 10.0900. Solar panels shall be integrated into the building design or shall be screened from view at street level with materials that are consistent with the building design and yet do not interfere with the purpose of the solar panels.

Section 14. Volume 3, DEVELOPMENT CODE, Section 7.0200 Standards and Criteria is amended as follows:

7.0202 Community Service, Commercial (except those in a Design District), Industrial and Mixed-Use Developments (Commercial Component)

- Q. All mechanical equipment on roofs shall be screened when abutting a residentially designated property or an arterial street. Screening shall obscure mechanical equipment at elevation. ~~Solar collecting panels are exempt from this requirement.~~

Section 15. Volume 3, DEVELOPMENT CODE, Section 7.0500 Rockwood Design District Design Guidelines and Standards is amended as follows:

7.0503.1.C.1.d.4.b Sustainable Site and Building Design

Sustainable building techniques and design strategies shall include any of the following:

- i. Solar energy panels installed on the roof or other location shall be approved by the Manager or Design Commission depending on the procedure type. Solar energy panels shall be integrated into the building design or shall be designed to have minimal adverse visual impacts on other surrounding areas (such as by screening from view at street level) and yet not interfere with the purpose of the solar panels. The quantity of solar energy panels shall:
 - a. Generate ten percent (10%) of the typical energy usage for the building in renewable energy at a minimum. The typical energy model for the building shall be determined by referencing the LEED™ standards; or
 - b. Comprise an area equivalent to a minimum of twenty percent (20%) of the roof area.

Section 16. Volume 3, DEVELOPMENT CODE, Section 7.0600 Corridor Design District Commercial Design Guidelines and Standards is amended as follows:

7.0603(B)(5)(D)(1) Roofs and Parapets

Mechanical and communication equipment and components shall be screened so that the equipment is not visible at ground level from streets and other public spaces, including alleys. It shall be screened in a

manner that is compatible with the architectural character of the building. Appropriate screening for rooftop equipment includes parapet walls or fabricated enclosures such as panels. The Manager or Design Commission reserves the right to review screening of rooftop equipment by requesting sight line studies. ~~Solar energy panels are exempt from this requirement.~~

7.0603(C)(1)(D)(3) Sustainable Site and Building Design

Buildings shall comply with two (2) of the following requirements. The location and configuration of solar energy panels shall be approved by the Manager or the Design Commission depending on the procedure type only as permitted in Article 4 and Section 10.0900. Solar panels shall be integrated into the building design or shall be screened from view at street level with materials that are consistent with the building design and yet do not interfere with the purpose of the solar panels.

- a. A vegetated roof surface comprising a minimum of thirty percent (30%) of the roof area;
- b. Solar energy panels comprising an area equivalent to twenty (20%) of the roof area or more;

Section 17. Volume 3, DEVELOPMENT CODE, Section 8.0100 Special Use Review requirements is amended as follows:

8.0103 General Standards

An applicant for a Special Use Review shall provide a narrative that describes how the proposed use fulfills the applicable requirements and standards for the use and for those found in **Article 7, Section 8.0100**, the applicable plan district(s) for the site, and other applicable Code sections. In order to minimize adverse impacts of the proposed use, an approval of a Special Use Review may be conditioned based upon information provided in the narrative and staff findings.

For purposes of the Special Use Review, the narrative shall describe the following, as applicable:

1. The proposed use and its operations;
2. Traffic generation;
3. Location of parking and loading, including ~~size~~, location, screening, drainage, landscaping, and surfacing;
4. Any effects on off-site parking;
5. Street access points, including size, number, location and/or design;
6. Hours of operation, including when certain activities are proposed to occur;
7. Crime prevention measures;
8. Noxious odors;
9. Lighting;
10. Effects on air and water quality;
11. Environmental effects which may disturb neighboring property owners such as:
 - a. Glare. This may be described in terms of location, design, intensity and shielding;
 - b. Noise;
 - c. Dust; and
 - d. Vibration;

12. Height, size, setback, and location of buildings and activities;
13. Any diking, berms, screening or landscaping, and standards for their installation and maintenance; and
14. Other resources. This description shall include information on protection and preservation of existing trees, vegetation, water resources, habitat areas, drainage areas, historic resources, cultural resources, sensitive lands, or other significant natural resource.

8.0110 Special Use Review, Type II Procedure

8.0111 Purpose and Review

A Type II procedure may be used to review certain uses subject to a Special Use Review. The review provides an opportunity to allow a use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

This review considers general standards found in **Section 8.0103**, standards specific to the use found in **Sections 8.0113-8.0122** and other Development Code standards which are applicable to the proposal. The criteria and standards set forth in this section apply only when the particular use is subject to a Special Use Review in the underlying land use district. The narrative for Special Use Reviews through the Type II procedure shall describe how the operating and physical characteristics of the proposal have been made reasonably compatible with and have a minimal impact on livability, appropriate use, and development of properties in the surrounding area of the subject site.

8.0112 Applicability of the Type II Procedure

The following uses may pursue a Special Use Review through the Type II procedure when they are specified as being subject to a Special Use Review in **Article 4** or in the Land Use Classification System found in **Section 3.0200**.

- A. Houseboats, Moorages and Marinas
- B. Bed and Breakfast Inns (**Section 8.0113**)
- C. Attached Dwellings on a Single Lot, limited to transitional housing for individuals transitioning from incarceration facilities.
- D. Elderly Housing (**Section 8.0114**)
- E. Daycare Facilities
- F. Civic Uses, limited to police stations, fire stations, and other similar emergency service facilities (**Section 8.0115**)
- G. Community Services (**Section 8.0116**)
- H. Parks, Open Spaces, and Trails, limited to public neighborhood parks; public urban plazas; and public trails and associated trail access points (**Section 8.0117**)
- I. Religious Institutions, limited to those where the principal place of assembly may accommodate no more than 300 individuals (**Section 8.0118**)
- J. Schools, limited to elementary and middle schools (**Section 8.0119**)
- K. Heliport Facilities (**Section 8.0120**)
- L. Major Basic Utilities, excluding electrical generating facilities (**Section 8.0121**)
- M. Wireless Communication Facilities (**Section 8.0122**)
- N. Renewable Energy Systems including:
 - Solar Energy Systems (**Section 8.0123**)

- Wind Energy Systems (Section 8.0124)
- Biomass Energy Systems (Section 8.0125)
- Geothermal Energy Systems (Section 8.0126)

Section 8.0123 Solar Energy Systems

In addition to the standards in Section 8.0103, the following apply to solar energy systems where they are allowed through the Type II Special Use Review procedure:

- A. Renewable energy systems shall not be located on prominent building façade sections or on any façades or roof visible from the street of any listed landmark in Table 5.0330 Historic and Cultural Landmarks List and shall comply with Section 5.0321.
- B. Historic materials and architectural features shall not be removed or damaged with the installation of renewable energy systems per Section 5.0321 and 5.0323.
- C. Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
 - 1. The extent to which the system is visible from the impacted location;
 - 2. The type, number, height and proximity of existing structures;
 - 3. The amount of vegetated screening;
 - 4. The distance of the proposed system from the impacted location; and
 - 5. The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

Section 8.0123 Wind Energy Systems

In addition to the standards in Section 8.0103, the following apply to wind energy systems where they are allowed through the Type II Special Use Review procedure:

- A. Renewable energy systems shall not be located on prominent building façade sections or on any façades visible from the street of any listed landmark in Table 5.0330 Historic and Cultural Landmarks List and shall comply with Section 5.0321.
- B. Historic materials and architectural features shall not be removed or damaged with the installation of renewable energy systems per Section 5.0321 and 5.0323.
- C. Landscape screening shall be located outside of any fencing surrounding the renewable energy systems or equipment requiring the shrub materials of a Type B buffer per Section 9.0111(A).
- D. All wind energy system equipment shall be coated in a neutral color or muted tones to minimize the visual impact from the right-of-way, any public park or open space, or historic or cultural resource.
- E. Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
 - 1. The extent to which the system is visible from the impacted location;
 - 2. The type, number, height and proximity of existing structures;
 - 3. The amount of vegetated screening;
 - 4. The distance of the proposed system from the impacted location; and
 - 5. The available reasonable alternatives that would allow the facility to function _____ efficiently at an alternate location.

Section 8.0123 Biomass Energy Systems

In addition to the standards in Section 8.0103, the following apply to biomass energy systems where they

are allowed through the Type II Special Use Review procedure:

- A. In addition to the setback standards in Article 4, biomass energy systems shall be setback a minimum of 300 feet from any residential dwelling and 1,000 feet from a residentially designated district or hospital to minimize any potential negative impacts.
- B. The Applicant shall identify the specific location, type and number of trips of all anticipated vehicular traffic including delivery of the fuel to the site and export of fuel from the site.
- C. The biomass energy system shall be secured to prevent unauthorized access.
- D. All outdoor storage of biomass materials shall be screened from adjacent properties by an eight (8) foot wall.
- E. Biomass energy systems shall provide a Type E buffer per Table 9.0111(A) or an alternate plan per Section 9.0100.
- F. Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
 - 1. The extent to which the system is visible from the impacted location;
 - 2. The type, number, height and proximity of existing structures;
 - 3. The amount of vegetated screening;
 - 4. The distance of the proposed system from the impacted location; and
 - 5. The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

Section 8.0123 Geothermal Energy Systems

In addition to the standards in Section 8.0103, the following apply to geothermal energy systems where they are allowed through the Type II Special Use Review procedure:

- A. Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
 - 1. The extent to which the system is visible from the impacted location;
 - 2. The type, number, height and proximity of existing structures;
 - 3. The amount of vegetated screening;
 - 4. The distance of the proposed system from the impacted location; and
 - 5. The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

Section 18. Volume 3, DEVELOPMENT CODE, Section 9.0100 Buffering and Screening Requirements is amended as follows:

9.0110 Buffering and Screening Requirements

A. A buffer consists of a horizontal distance adjacent to the property line. The following standards apply to materials in the buffer:

- 1. The following elements are allowed in the buffer: vertical elements such as plants, berms, fences or walls; screening; landscaping materials (including gardens); stormwater facilities such as rain gardens and bioswales; and garden elements such as arbors, trellises, fountains, ponds, yard accessories and seating. Seating must be at least 5 feet from the abutting property line. Underground, in-ground and overhead utilities are allowed in the buffer. Above-ground installation of mechanical equipment such as for heating, ventilation, renewable energy systems and air conditioning is not allowed in the buffer width.

9.0110 G Existing Trees in Buffer

~~2. Solar access: Landscaping in the buffer shall be subject to the solar access requirements.~~

~~2.3. Alternative plan: In lieu of these buffer width, landscape and screening standards, and at his/her option, the owner may prepare a detailed plan and specifications for landscaping and screening,~~

Section 19. Volume 3, DEVELOPMENT CODE, Section 9.0800 Parking is amended as follows:

Parking Lot Plan Submittal Requirements

9.0810 Submittal Requirement

This section applies to all developments that require a parking lot. The parking lot plan, drawn to scale, shall include, at a minimum, the following information:

A. Delineation of individual parking spaces, including the delineation of those parking spaces dedicated to ADA accessible vehicle use, compact vehicle use, or electric vehicle charging units.

9.0827 Electric Vehicle Charging Units

Electric vehicle charging units, either public or restricted, shall comply with the following requirements:

A. Electric Vehicle Charging Unit Placement. The first electric vehicle charging unit in a public parking lot shall be accessible for all potential users and shall provide access for people using mobility devices at the unit itself.

B. Parking Space Size. A standard size parking space or an ADA accessible compliant accessible parking space shall be used for an electric vehicle charging unit where such as a unit is planned.

C. Signage.

1. Each electric vehicle charging unit space shall be posted with signage indicating the space is for electric vehicle charging purposes.

2. Necessary safety information, directions and identification of voltage/amperage levels and ADA accessibility signs, if an ADA exclusive space, shall also be included.

3. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge. Days and hours of operations shall be included if time limits or tow-away provisions are to be enforced.

4. Any other signage, such as advertising signage, is subject to the standards of Appendix 6.

D. Charging Unit Equipment.

1. Electric vehicle charging unit outlets and operable parts shall be no less than 18 inches off the ground if indoors and 24 inches off the ground if outdoors and no higher than 48 inches off the ground to ensure easy access.

2. Electric vehicle charging units shall contain a retraction device, a place to hang permanent cords and connectors sufficiently above the ground, or some other mechanism to ensure that the equipment does not become a safety liability.
3. Electric vehicle charging units are not required to be screened as mechanical units.

9.0850 Minimum and Maximum Required Off-Street Parking – General

- A. For the purpose of calculating parking ratios in all districts, the following type of parking spaces do not count against the maximum ratio but do count toward the minimum ratio:
1. Accessible parking outlined in the Building Code, Chapter XI
 2. Vanpool and Carpool parking
 3. Full time valet parking
 4. User-paid parking at market rate (except as provided in Section 9.085(C))
 5. Structured parking
 6. Park and Ride lot parking
 7. Vehicle parking within, above, or beneath the building(s) it serves, or within a parking structure, above or below grade
 8. Other high-efficiency parking management alternative approved by the Manager.

E. For Electric Vehicle charging units, the following applies:

1. Minimum Parking Count. Parking spaces with an associated electric vehicle charging unit count toward the minimum required parking spaces.
2. Maximum Parking Count. Parking spaces serviced by an associated electric vehicle charging unit count toward the maximum required parking spaces.

Section 20. Volume 3, DEVELOPMENT CODE, Section 9.0900 Projections is amended as follows:

9.0910 Projections Into Required Yards And Above the Maximum Building Height

- A. Projections into Required Yards. The following objects and structures may project into the required yard:
1. Paved terraces, decks, and stairs may project into required front, side or rear yards provided that no structures thereon shall violate other requirements of this Ordinance or the Building Code;
 2. Unroofed landings and stairs may project into required front and rear yards only;
 3. Window sills, belt courses, bay windows, eaves and similar incidental architectural features may project no more than two feet into any required yard when not in violation of the Building Code;
 4. Eaves may project 1 foot over a side yard utility easement if there is no violation of the Building Code.
 5. Open fire escapes shall not project more than 4.5 feet into any required yard; and,
 6. Chimneys shall not project more than 30 inches into any required yard.
 7. Solar energy collecting structures when attached to a single-family detached residence, or a

duplex residence, or a mobile home in a mobile home subdivision may project into required front and rear yards as provided below when such structures meet the criteria of Article 4 and Section 10.0900 Appendix 8.000.

a. ~~Front Yard Setback~~ – The front yard minimum setback may be reduced to 16 feet as measured from the front property line. Existing off-street parking spaces as required by Section 9.0800 shall be maintained to minimum dimensions.

b. ~~Rear Yard Setback~~ – The rear yard minimum setback may be reduced to 9 feet as measured from the rear property line; except that an attached solar collecting structure which occupies over 50% of the horizontal linear dimension of the building's rear elevation shall maintain a minimum setback of 13 feet.

8. Heating, and air conditioning units, residential fuel cells, small micro-hydro energy systems and small geothermal renewable energy systems (heat pumps). This may be to the side and rear yards only. See Article 4 and Section 10.0940.
9. Customary yard accessories, ornaments and furniture such as flag poles and landscape ponds.

B. Projections above the Maximum Building Height. The following structures may project above the maximum building height:

1. Medium and large scale solar collector energy systems equipment;
2. Small and medium scale wind energy systems generators for the private generation of energy. Medium and large scale wind energy systems up to 45 feet;
3. Antennas,
4. Spires or Turrets;
5. Elevator equipment and stair enclosures, on flat roofs only;
6. Heating, ventilation, and air conditioning equipment enclosures, small scale biomass energy systems, small or large scaled geothermal energy systems, and micro-hydro energy systems on flat roofs only;
7. Roof gardens, courtyards and ancillary structures, not to exceed 10 feet in height, on flat roofs only.

C. Other Projections. The following structures may project above the maximum building height and into required yards:

1. Yard Accessories;
2. Religious Symbols.

Section 21. Volume 3, Development Code, Section 10.0900 is added as follows:

SECTION 10.0900 RENEWABLE ENERGY

Renewable Energy

10.0901 Purpose

10.0902 Applicability

10.0903 Development Permit Requirements for Renewable Energy Systems

10.0904 General Standards

10.0910 Solar Energy Systems

10.0911 Solar Energy Systems Scale

10.0912 Solar Energy Systems Type

10.0913 Solar Energy Systems Height

10.0914 Solar Energy Systems Setbacks and Yards

10.0920 Wind Energy Systems

10.0921 Wind Energy Systems Scale

10.0922 Wind Energy Systems Type

10.0923 Wind Energy Systems Height

10.0924 Wind Energy Systems Setbacks and Yards

10.0925 Wind Energy Systems Environmental Standards

10.0926 Wind Energy Systems Safety

10.0927 Wind Energy Systems Noise

10.0930 Biomass Energy Systems

10.0931 Biomass Energy Systems Scale

10.0932 Biomass Energy Systems Type

10.0933 Biomass Energy Systems Height

10.0934 Biomass Energy Systems Setbacks and Yards

10.0940 Geothermal Energy Systems

10.0941 Geothermal Energy Systems Scale

10.0942 Geothermal Energy Systems Type

10.0943 Geothermal Energy Systems Height

10.0944 Geothermal Energy Systems Setbacks and Yards

10.0950 Micro-Hydro Energy Systems

10.0951 Micro-Hydro Energy Systems Scale

10.0952 Micro-Hydro Energy Systems Type

10.0953 Micro-Hydro Energy Systems Height

10.0901 Purpose

The purpose of this section is to allow renewable energy systems where appropriate in order to diversify energy sources, reduce greenhouse gas emissions, stimulate the economy with new jobs, and contribute to high-quality, energy efficient developments that create a great place to live, work, shop and play.

10.0902 Applicability

This section shall apply to all renewable energy systems throughout the city, unless superseded by the

Plan District Standards. This section is not applicable to electric generating facilities or to renewable energy systems located within the publically owned or administered right-of-way.

10.0903 Development Permit Requirements for Renewable Energy Systems

The development permit requirements for renewable energy systems are discussed in Article 11 with review authorities listed in Table 11.0204 unless stated otherwise in the Code.

Section 22. Volume 3, Development Code, Section 10.0904 is added as follows:

10.0904 General Standards

These standards apply to all renewable energy systems, unless otherwise noted. Additional standards are found in Article 4.

A. Mechanical Equipment Screening

1. All mechanical, electrical, service equipment and outdoor storage associated with renewable energy systems shall be screened so that the equipment is not visible from the streets and other street level public spaces, including alleys. Appropriate screening includes architecturally compatible, sight obscuring parapet walls, building walls, fabricated enclosures such as panels, fences or dense evergreen landscaping of sufficient height and density to conceal the equipment within five years of planting.
2. Exemptions to the renewable energy system equipment screening include:
 - a. Roof-top solar panels parallel to pitched roof or no greater than 18" from parallel to the roof;
 - b. Flat-roof solar energy systems;
 - c. Integrated solar energy systems;
 - d. Solar panels that in total are less than two feet x two feet total area;
 - e. Ground mounted solar trees or other art features at the discretion of the Manager;
 - f. Wind turbines. However, any associated equipment shelter shall be screened;
 - g. Heat pumps; and
 - h. Electric vehicle charging stations and units.

B. External Effects

The following standards apply to all renewable energy systems. Additional standards may be found in the Article 4 table notes.

1. Noise. All renewable energy systems shall comply with the noise standards in the Gresham Revised Code Sections 7.20.030 to 7.20.050.
2. Lighting and Glare. Lighting shall be consistent with local, state and federal law. Lighting of any associated equipment shelters shall be limited to that required for safety, security and operational purposes, and shall be full cut-off, shielded fixtures. Materials shall be designated as non-reflective or no more than 11% reflective to minimize glare.
3. Emissions. The emission of air pollutants, odorous gases and changes in temperature detectable

by human senses without the aid of instruments at any point beyond the property line is prohibited.

- C. Signage. Signage on any renewable energy system equipment shall comply with Appendix 6.000 Sign Regulations. Signage does not include reasonable identification of the manufacturer or operator of the system and necessary safety and operations information.

Section 23. Volume 3, Development Code, Section 10.0910 is added as follows:

10.0910 Solar Energy Systems Standards

10.0911 Solar Energy Systems Scale

There are three scales of solar energy systems with characteristics as noted below.

- A. Small Solar Energy System. A small solar energy system has the following characteristics:

Roof-top or Flat-roof

1. Does not exceed the peak height of the roof on which it is installed; and
2. Does not increase the footprint of the structure; and
3. Is installed generally parallel to the slope of the roof or is no more than 18" from the roof; or integrated.

Section 24. Volume 3, Development Code, Section 10.0920 is added as follows:

10.0920 Wind Energy Systems Standards

10.0921 Wind Energy Systems Scale

- A. Small Wind Energy System. A small wind energy system has the following characteristics:

1. Has a total extended wind energy system height of no greater than ten (10) feet; and
2. Has no more than two (2) units.

A small wind energy system also has all of the following characteristics:

3. Is not located on a building or on a site that is a historic, cultural or archeological resource; and
4. Is accessory to the primary use of the site; and
5. Is used to generate energy for use primarily on the site and/or for selling back to the grid.

- B. Medium Wind Energy System. A medium wind energy system has the following characteristics:

1. Has a total extended wind energy system height over ten (10) feet but no greater than forty-five (45) feet; or
2. Has three (3) but no greater than five (5) units.

A medium wind energy system also has all of the following characteristics:

3. Is not located on a building or a site that is a historic, cultural or archeological resource; and
4. Is accessory to the primary use of the site; and
5. Is used to generate energy for use primarily on site and/or for selling back to the grid.

C. Large Wind Energy System. A large wind energy system has the following characteristics:

1. Is not located on a building or on a site that is a historic, cultural, or archeological resource; or
2. Has a total extended wind energy system height of greater than forty-five (45) but no greater than one-hundred ten (110) feet; or
3. Has six (6) units but no greater than (10) units; or

A large wind energy system also has all of the following characteristics:

4. Is accessory to the primary use purpose of the site; and
5. Is used to generate energy for use primarily on the site and/or for selling back to the grid.

10.0922 Wind Energy Systems Type

There are two types of wind energy systems as follows:

- A. Roof-top Wind. The wind energy systems, such as the blade or vertical turbines, that are attached to the roof of a building or structure.
- B. Ground-mounted Wind. The wind energy systems that are independent of the building and are mounted either into the ground typically on a pole or on a tower structure.

10.0923 Wind Energy Systems Height

Height shall be measured from the natural grade base of the wind energy system equipment to the system's highest point.

10.0924 Wind Energy Systems Setbacks and Yards

- A. The wind energy systems shall be allowed as noted in Article 4.0000 in the site's underlying land use district.
- B. In addition to conforming with the required setback areas of the underlying land use district, all wind energy systems that are adjacent to residential lands shall be set back from the property line a distance equal to 1.1 times the total extended wind energy system height.

10.0925 Wind Energy System Environmental Standards

- A. Wind energy systems shall not be allowed in the city's environmental overlays or districts, such as Habitat Conservation Area (HCA); Environmentally Sensitive/ Restoration Area - Pleasant Valley (ESRA-PV); Environmentally Sensitive Resource Area - Springwater (ESRA-SW); or wetland (WQRA) areas except that a single family residence located entirely within a HCA, ESRA-PV or ESRA-SW may have a helical vertical axis turbine roof-top wind energy system.
- B. Horizontal axis wind energy systems (with blades) shall be setback 100 feet from identified wetlands and bird habitat areas plus the 1.1 times the system height setback of Section 10.0924(B).
- C. The natural grade shall not be changed to increase the elevation of the wind energy system.

10.0926 Wind Energy System Safety

- A. All ground-mounted wind energy system equipment shall be secured to prevent unauthorized access.

- B. Wind energy systems shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- C. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

10.0927 Noise Impact

For wind energy systems only, the applicant shall submit a report issued by a licensed acoustical engineer stating that the wind energy system will meet the provisions of the Gresham Revised Code Section 7.20.030-7.020.050. Additionally a second report shall be submitted to indicate that the installed wind energy system has met the provisions of the Gresham Revised Code Section 7.20.030-7.020.050 prior to final approval of the building permit.

Section 25. Volume 3, Development Code, Section 10.0930 is added as follows:

10.0930 Biomass Energy Systems Standards

10.0931 Biomass Energy Systems Scale

- A. Small Biomass Energy System. A small biomass energy system, such as a sawdust burning furnace or a commercial size fuel cell system, has the following characteristics:
 - 1. Is internal to the primary use building or
 - 2. Contains one (1) to five (5) mechanical equipment units no larger than 4' deep x 4' wide x 6' high each outside the building; and
 - 3. Is accessory to the primary use of the site; and
 - 4. Is used to generate energy for use primarily on the site and/or for selling back to the grid.
- B. Large Biomass Energy System. A large biomass energy system, such as a commercial forest waste biomass furnace, has the following characteristics:
 - 1. Is internal or external to the primary use building or buildings and exceeds the thresholds of a small biomass energy system; and/or
 - 2. Has outdoor biomass storage; and
 - 3. Is accessory to the primary use of the site; and
 - 4. Is used to generate energy for use on site as well as for selling back to the grid.

10.0932 Biomass Energy Systems Type

There is one allowed type of biomass energy system as follows:

- A. Non-Hazardous Biomass. Non-hazardous biomass energy systems which generate energy from controlled combustion or some other conversion of plant materials such as wood, lawn, tree or garden residue or agricultural crops, or waste or land fill gases are permitted.

10.0933 Biomass Energy Systems Height

Height shall be measured from the base of the biomass energy system equipment to the system's highest

point.

10.0934 Biomass Energy Systems Setbacks and Yards

The biomass energy systems shall be allowed as noted in Article 4.0000 in the site's underlying land use district.

Section 26. Volume 3, Development Code, Section 10.0940 is added as follows:

10.0940 Geothermal Energy Systems Standards

10.0941 Geothermal Energy Systems Scale

- A. Small Geothermal Energy System. A small geothermal energy system such as a heat pump has the following characteristics:
1. Is internal to the primary use building except for up to three exterior mechanical heat exchange units no larger than 4' deep x 4' wide x 6' high;
 2. Is accessory to the primary use of the site; and
 3. Is used to generate energy, heat or cooling for use primarily on site or for selling back to the grid.
- B. Large Geothermal Energy System. A large geothermal energy system such as an industrial geothermal eco-district has the following characteristics:
1. Is internal to the primary use building except for four to ten exterior mechanical heat exchange units;
 2. Is accessory to the primary use of the site; and
 3. Is used to generate energy, heating or cooling for use on site as well as for selling back to the grid.

10.0942 Geothermal Energy Systems Type

There is one allowed type of geothermal energy system as follows:

- A. Closed-loop Geothermal. Closed-loop geothermal energy systems which exchange heat and cooling through contained fluid systems are permitted.

10.0943 Geothermal Energy Systems Height

Height shall be measured from the base of the geothermal energy system equipment to the system's highest point.

10.0944 Geothermal Energy Systems Setbacks and Yards

In addition to the district setback standards, small scale geothermal energy systems such as heat pumps may project 4.5 feet into the side and rear setbacks per Section 9.0900 Projections.

Section 27. Volume 3, Development Code, Section 10.0950 is added as follows:

10.0950 Micro-Hydro Energy Systems Standards

10.0951 Micro-Hydro Energy Systems Scale

- A. Small Micro-Hydro Energy System. A small micro-hydro energy system such as a turbine contained within a water pipe has the following characteristics:
1. Is contained entirely within a structure or pipe;
 2. Is accessory to the primary use of the site; and
 3. Is used to generate energy such as electricity for use primarily on site.

10.0952 Micro-Hydro Energy Systems Type

There is one allowed type of micro-hydro energy system as follows:

- A. In-Pipe Micro-Hydro. In-pipe micro-hydro energy systems which generate energy through water fluid movement within a pipe structure are permitted.

10.0953 Micro-Hydro Energy Systems Height

Height shall be measured from the base of the micro-hydro energy system equipment to the system's highest point.

Section 28. Volume 3, Development Code, Article 11 Procedures is amended as follows:

11.0102 Exclusions from Development Permit

The following activities do not require a Development Permit except as noted.

- E. The following activities do not require a Development Permit, except in the Habitat Conservation Area, Floodplain, and Hillside Physical Constraint Overlay District, Environmentally Sensitive/ Restoration Area - Pleasant Valley (ESRA-PV); Environmentally Sensitive Resource Area - Springwater (ESRA-SW);

- G. The following activities do not require a Planning Development Permit but will require a Building Permit:

1. Roof-top solar energy systems where the system meets the following:
 - a. Is installed on the roof of a residential, commercial/mixed-use or industrial structure; and
 - b. Does not exceed the peak height of the portion of the roof on which it is installed; and
 - c. Does not increase the footprint of the residential, commercial/mixed-use or industrial structure; and
 - d. Is installed parallel to the slope of the roof; and

- e. Is not listed in the exceptions of Section 11.0102.H.
- 2. Small scale renewable energy systems in the right-of-way.
- H. There are conditions under which certain roof-top solar energy systems may require both a Building Permit and a Planning Development Permit. Exceptions to the roof-top solar energy system exclusions of Section 11.0102.G.1 include any solar energy system which is:
 - 1. Located on a federally or locally designated historic building or landmark; or
 - 2. Located in a federally or locally designated historic district; or
 - 3. Located on a conservation landmark designated by the city or county because of the historic, cultural, archeological or similar merit of the landmark; or
 - 4. Located within the boundaries of a locally established conservation district; or
 - 5. Installed on a frame structure and is not generally parallel to the roof or is more than 18" off the roof of the building on which it is installed.

Table 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
<u>RENEWABLE ENERGY SYSTEMS 10.0900</u>										
<u>10.0910</u>	<u>Solar Energy Systems</u>									
	<u>Small (Scale) Solar Energy System</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
	<u>Medium (Scale) Solar Energy System</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
	<u>Large (Scale) Solar Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					
<u>10.0920</u>	<u>Wind Energy Systems</u>									
	<u>Small (Scale) Wind Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					
	<u>Medium (Scale) Wind Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					
	<u>Large (Scale) Wind Energy System</u>	<u>Y</u>	<u>III</u>		<u>D</u>				<u>A</u>	
<u>10.0930</u>	<u>Biomass Energy Systems</u>									
	<u>Small (Scale) Biomass Energy System</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
	<u>Large (Scale) Biomass Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					
<u>10.0940</u>	<u>Geothermal Energy Systems</u>									
	<u>Small (Scale) Geothermal Energy System</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
	<u>Large (Scale) Geothermal Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					

Table 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
<u>10.0950</u>	<u>Micro-Hydro Energy Systems</u>									
	<u>Small (Scale) Micro-Hydro Energy System</u>	<u>Y</u>	<u>II</u>	<u>D</u>	<u>A</u>					
	<u>EV Charging Unit *</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
* Building permit only is required.										
MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations	N	II	D	A					
11.0107	Application for Staff Interpretation	N	II	D	A					
3.0206	Determination of Similar Use	N	II	D	A					

SPECIAL USE REVIEW (8.0100)										
8.0110	Special Use Review II	Y	II	D	A					
8.0140	Special Use Review III**	Y	III		D				A	
	Design District	Y	III					D		A

*	Level of review for modification shall be the same level of review as for the component of the application for which the modification is sought, unless specified otherwise.									
**	Unless noted in Section 8.0100 that the Planning Commission is the decision authority. In that case, the City Council is the appeal authority									

Section 29. Volume 3, Development Code, Appendix 8 Solar Access is to be deleted.

~~Appendix 8.000~~

OTHER AMENDMENTS:

Section 30. Volume 3, Development Code, Section 4.1151 Downtown Design Guidelines and Standards is amended as follows:

Section 4.1151(A)(1)(C) Integrated Site Planning Guidelines.

8 through 11: Site parking, loading and services:

- a. Site parking, loading service and vehicular circulation areas and ~~loading services~~ shall be located so as to allow desired uses and activities to face the street and to support pedestrian-oriented streets.
- b. The majority of parking, loading service and vehicular circulation areas shall be located to the rear or in structures to support pedestrian-oriented streets.

Section 4.1151(A)(1)(D) Integrated Site Planning Standards

1. Parking, ~~and loading service~~ and vehicular circulation areas not within a building or parking structure shall be:

- a. To the rear of the buildings constructed along the street frontage; or

10. Parking, loading service and vehicular circulations areas shall be behind the maximum setback or behind a line drawn parallel to the street at the point where the building is closest to the street, whichever is closest to the street.

Section 31. Volume 3, Development Code, Section 7.0100 Two or More Units, Elderly Housing and Mixed-Use (Residential) Design Guidelines and Standards is amended as follows:

Section 7.0103(A)(1)(c)(2) Integrated Site Design Guidelines

- c. Parking, ~~loading service areas and vehicular circulation areas~~ shall be located so as to allow primary uses and activities to face the street and to support pedestrian oriented uses.

Section 7.0103(A)(8)(c) Vehicular Circulation and Off-Street Parking Design Guidelines

2. Parking. Parking, loading service and vehicular circulation areas shall be integrated into the site design in a manner that does not detract from the design of the building, the street frontage or the site.

Section 7.0103(A)(8)(d)(2) Vehicular Circulation and Off-Street Parking Design Standards

- b. Required off-street parking, loading service and vehicular circulation areas shall be located to the rear, interior, side or beneath the dwelling structure. Parking located to the side of the building shall be limited to fifty percent (50%) of the overall frontage. Parking shall be behind the maximum setback or behind a line drawn parallel to the street at the point where the building is closest to the street, whichever is closest to the street. In no circumstance shall the parking be closer than the minimum building setback. For sites with multiple frontages, parking may be allowed up to the minimum setback regardless of building location as approved by the Manager or Design Commission. Standards for minimum building frontage along a street shall be considered when making this determination.

Section 32. Volume 3, Development Code, Section 7.0500 Rockwood Design District Design Guidelines and Standards is amended as follows:

Section 7.0503(1)(A)(3)(c)(2) Building Placement and Frontage Design Guidelines

- a. Parking, loading services and vehicular circulation areas shall be located so as to allow desired uses and activities to face the street and to support pedestrian oriented streets.

Section 7.0503(1)(A)(3)(d) Building Placement and Frontage Design Standards

2. Parking, loading service and vehicular circulation areas (except for a side entry drive) shall be behind the maximum setback or behind a line drawn parallel to the street at the point where the building is closest to the street, whichever is closest to the street. In no circumstance shall the parking and loading service be closer than the minimum building setback. For sites with multiple frontages, parking may be allowed up to the minimum setback regardless of building location as approved by the Manager or Design Commission. Standards for minimum building frontage along a street shall be considered when making this determination.

Section 7.0503(1)(A)(6)(c) Parking Design Guidelines

All Development

1. Surface parking areas and lots, loading service and vehicular circulation areas shall be located at the rear of the site or on the interior of the site and removed from the adjacent light rail station, except as noted in Section 7.0503(1)(A)(6)(D)(1).

Section 7.0503(1)(A)(6)(d) Parking Design Standards

All Development

1. Off-Street parking, loading service and vehicular circulation areas is prohibited between the building and the street or primary internal drive. Exceptions to this Standard include developments which front on 185th and 187th Avenues, which must provide a thirty (30) inch decorative wall or hedge to buffer the parking area. Parking and maneuvering areas, except spaces designated for park and ride

or kiss and ride use, should be located on portions of the site that are furthest in walking distance from an adjacent rail station.

Section 33. Volume 3, Development Code, Section 7.0600 Corridor Design District Commercial Design Guidelines and Standards is amended as follows:

Section 7.0603(A)(3)(c) Building Placement and Frontage Design Guidelines

3. and 4. Parking, loading service and vehicular circulation areas shall be located to the side, interior or rear of the site and shall not dominate the public street frontages.

Section 7.0503(1)(A)(3)(d) Building Placement and Frontage Design Standards

3. Parking, loading service and vehicular circulation areas shall be located on the side, interior or rear of the site and shall not be present along existing public street frontages for more than thirty percent (30%) the street frontage.

Section 7.0603(A)(6)(c) Parking Design Guidelines

1. Parking, loading service and vehicular circulation areas shall be located and configured to minimize its visual impact from street frontages.

Section 7.0603(A)(6)(d) Parking Design Standards

1. Parking, loading service and vehicular circulation areas shall be located behind or on the side of buildings.

First reading: May 21, 2013

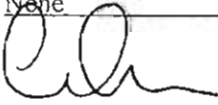
Second reading: June 18, 2013

Yes: Bemis, Hinton, Fuhrer, Palmero, McCormick, Stegmann

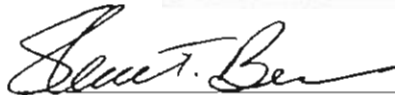
No: None

Absent: Echols

Abstain: None



Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

Approved as to Form:



Richard D. Faus
Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

AMENDMENTS TO VOLUME 3, DEVELOPMENT	)	Order No. 643
CODE, OF THE GRESHAM COMMUNITY	)	
DEVELOPMENT PLAN, REGARDING THE	)	CPA 12-190
RENEWABLE ENERGY STANDARDS PROJECT	)	

On May 21, 2013, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan as it relates to Renewable Energy Standards.

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 21, 2013 meeting, and a final decision was made at the June 18, 2013 meeting.

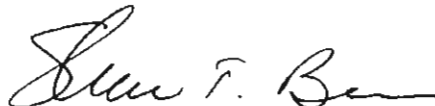
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that these amendments are approved, and adopts the standards, findings, conclusions and recommendations as stated in the attached Planning Commission Recommendation Order and staff report.

Dated: June 18, 2013



Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

BEFORE THE PLANNING COMMISSION OF THE
CITY OF GRESHAM

TYPE IV RECOMMENDATION ORDER

CPA 12-190

A Type IV Legislative Public Hearing was held on March 25, 2013, to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan establishing standards and procedures for **Renewable Energy Systems**.

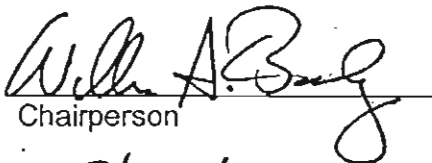
The Planning Commission closed the public hearing at the March 25, 2013 meeting, and a final recommendation was made at the March 25, 2013 meeting.

William Bailey, Chair, 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 Development Code amendments to the City Council based on the findings, conclusions and recommendations of the March 25, 2013 staff report with the following changes:

Amend Section 9.0827 C. 2 to read: "Necessary safety information, directions and identification of voltage/ampereage levels and ADA accessibility, if an ADA exclusive space, shall also be included."


Chairperson
3/25/2013
Date



MEMORANDUM

URBAN DESIGN & PLANNING
Comprehensive Planning

STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
DEVELOPMENT CODE IMPROVEMENT PROJECT – RENEWABLE ENERGY

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Urban Design and Planning Director
Lauren McGuire, AICP, Senior Landscape Planner

Hearing Date: March 25, 2013

Report Date: March 15, 2013

File: CPA 12-190

Proposal: To adopt comprehensive plan amendments to Volume 3 – Development Code of the Community Development Plan with text amendments that:
1) Create new standards for renewable energy systems
2) Create new standards for electric vehicle charging infrastructure

Exhibits: 'A' – Proposed Community Development Code Text Amendments

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

SECTION I EXECUTIVE SUMMARY

Background

This Development Code Improvement Project (DCIP) component is on the 2013 Council Work Plan, continued from the 2011 and 2012 Council Work Plans. DCIP is a multi-year project with the goal of enhancing the effectiveness and clarity of the Development Code.

The purpose of the Renewable Energy project is to determine where and how renewable energy systems should be permitted. Renewable energy systems include solar, wind, biomass, geothermal and micro-hydro energy systems, as well as electric vehicle charging infrastructure. The goals of the project include:

- Encouraging renewable energy development in appropriate locations while protecting the natural environment, the social and economic quality of life, and the design of the built environment.
- Enhancing sustainability including reducing greenhouse gas emissions, promoting green development and renewable energy jobs and generating power locally for a stable and equitable economy.
- Updating the Comprehensive Plan with new goals, policies and action measures based on current factual information regarding renewable energy and on the community's needs.
- Updating the Development Code regulations including definitions and standards for size, type, location, scale, appearance and effects such as energy use, generation, distribution and storage consistent with the new goals, policies and action measures.
- Creating a clear review process and approval path.
- Consulting stakeholders and citizens throughout the project.

This project began in January, 2011. The planning process followed the following steps:

- Developing a work plan and public participation plan.
- Conducting research and analysis to identify issues and opportunities.
- Developing alternative approaches to the issues.
- Selecting a preferred approach.
- Drafting amendments to the Comprehensive Plan for the legislative adoption process.

On December 4, 2012, the City Council adopted amendments to Volume 1 – Findings and Volume 2 – Policies that described the factual information researched in the project and the goals, policies and action measures that provide direction on new Development Code. The Planning Commission had held a hearing on October 8, 2012, and made a recommendation to Council that these amendments be adopted.

The proposed Comprehensive Plan Amendments to Volume 3 – Development Code that are the subject of this public hearing are intended to implement the newly adopted Renewable Energy Goals and Policies and to complete this Council Work Plan project.

This process has included extensive public involvement and incorporated four Council policy meetings, six Planning Commission meetings, two Natural Resource and Sustainability Committee work sessions, two Design Commission work sessions, three Stakeholder Group meetings and four Community Forums.

Proposed Comprehensive Plan Amendment Overview

Text changes to the Community Development Plan are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~/underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview provided below summarizes the changes.

Volume 3 - Development Code

The proposed amendments address the topics below as follows:

- Definitions. Updates the current Article 3 Definitions section with relevant renewable energy related definitions.
- Land Use Classifications. Section 3.0280 Renewable Energy describes how the renewable energy systems of solar, wind, biomass, geothermal and micro-hydro fit into the land use classifications. This includes:
 - The use characteristics;
 - Examples of the use;
 - Accessory uses associated with the use; and
 - Exceptions to the particular use classification.
- Land Use Tables and Standards. Article 4 describes how the particular renewable energy system is permitted in each of the relevant land use district tables and with standards which discuss:
 - The scale allowed;
 - The type allowed;
 - The height allowed;
 - The setbacks and yards required; and
 - Assessment of the Special Use Review process required.
- Other Development Code Amendments. Details changes to other sections of the Code to make them compatible with the proposed renewable energy Code language.
- Special Use Review. Describes the review process for those renewable energy systems that require a Special Use Review. The general effects to be addressed by the review are included, as well as those unique to the particular renewable energy system.
- Buffering and Screening. Makes amendments to the buffering and screening language to ensure that renewable energy systems, similar to mechanical equipment, are not allowed in the required buffers.
- Parking. Describes how electric vehicle (EV) charging units are treated relative to parking lots and required parking counts with EV units counting toward the minimum and maximum parking required.
- Projections. Describes how renewable energy system equipment is treated relative to projections into the required setbacks.
- Section 10.0900. Creates a new Code section that addresses general standards for all renewable energy systems as well as those standards specific to the particular system. It provides additional information on each system's scales, types, height measurement, setbacks and yards.
- Article 11 Procedures and Review Authorities. Describes how the renewable energy systems will be reviewed and who will be the review authority.
- Appendix 8 Solar Access. Deletes the outdated standards of Appendix 8.000 Solar Access in its entirety.
- Downtown Design Guidelines. Clarifies that the term parking includes the maneuvering aisles and driveways, and that neither parking lots, maneuvering aisles nor driveways are allowed between the street facing building and the street.

Staff Report Organization

- Section II and III identify those current Development Code procedures and Plan 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 Planning Goals applicable to this proposal.
- Section VI contains specific findings of fact that indicate how the proposal is consistent with Sections II through V:
 - Subsection A is findings of fact for the Community Development Code procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the Metro Functional Plan (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 as well as commentary. The commentary provides additional findings for this proposal.

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 Planning, Land Use Policies and Regulations and Community Design
Section 10.100	Citizen Involvement
Section 10.222	Energy Sources
Section 10.223	Energy Conservation

SECTION IV

APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 8	Compliance Procedures
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SECTION V

APPLICABLE STATEWIDE PLANNING GOALS

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 5	Natural Resources, Scenic and Historic Areas, and Open Spaces
Goal 13	Energy Conservation

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 the 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 Gresham Community Development Plan. This project was initiated by the City Council when they originally adopted the 2011 Council Work Plan which included the Renewable Energy project. The Council continued the project with the adoption of the 2012 Council Work Plan on January 3, 2012 and the 2013 Council Work Plan on March 5, 2013.

2. Section 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 require that the Planning Commission provide a recommendation on the amendments and the City Council be the decision-making authority.

This project meets the conditions and is being processed under the Type IV procedures and will be heard by the City Council.

3. Section 11.0600 - Type IV Legislative Procedures. As a Type IV Comprehensive Plan Amendment, this section requires a submittal to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the Planning Commission hearing. This submittal was made on January 24, 2013, which is 49 days prior to the Planning Commission hearing date of March 25, 2013 and therefore meets the minimum 45 day requirement. 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 hold a public hearing and make a recommendation to the Council for an amendment to 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.

4. Section 11.1000 - Public Hearings. This section outlines a hearing process and procedures where both the Planning Commission and the City Council will consider this proposal at public hearings.

B. Community Development Plan Goals and Policies (Volume 2)

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions.

1. General Goals & Policies

Section 10.014 Land Use Policies and Regulations

Goal: *Maintain an up-to-date Comprehensive Plan and implement regulations as the legislative foundation of Gresham's land use program.*

Policy 1: *The City's land use program will be consistent with state and regional requirements but also shall serve the best interests of Gresham.*

Policy 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.

Policy 8: The City shall require all development to conform to its land use regulations and standards.

Policy 9: The City shall require new development to address the need for compatibility between itself and adjacent land uses to minimize conflicts between differing uses and building types.

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

Policy 21: Council may, upon finding it is in the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Findings:

The Goal and Policies establish the City's intent to use its Comprehensive Plan (Gresham Community Development Plan [GCDP]) as the basis for appropriate planning processes and resulting land use plans.

As part of this project, the Council adopted new Findings, Goals and Policies for renewable energy on December 4, 2012. This replaced language that was over 20 years old. The proposed Development Code amendments address renewable energy systems that the current Code does not address including solar, wind, biomass, geothermal and micro-hydro as well as electric vehicle charging stations. For each of these systems the proposed amendments:

- Address in which parts of the city they can be located and at what scale.
- Propose standards to ensure that systems are compatible with surrounding areas.
- Propose the procedures to be followed to obtain land use permits.

As described elsewhere in the Staff Report, the proposed amendments are consistent with applicable City Policies, Metro Functional Plan and State Planning Goals. The Council initiated the legislative processes with its adoption of the 2011 Council Work Plan and continued the project with adoption of the 2012 and 2013 Council Work Plans.

The project followed a planning process that included developing and implementing a work plan and public participation plan, researching and analyzing factual data and community needs, identifying alternative approaches, selecting a preferred approach, and conducting a legislative process that provides for Planning Commission and Council hearings.

The proposed amendments update the Development Code to address where and how renewable energy systems are to be allowed. The Code language was vetted through an extensive public participation process including many public meetings with the Planning Commission, City Council, Natural Resource and Sustainability Committee, Design Commission, residents, property owners, business owners, a technical advisory group and other interested parties. The project considers compatibility and protects residents' life and property from any harmful conditions related to renewable energy systems. The proposal is consistent with state and regional provisions and is intended to meet the interests of the public for energy independence and livability.

Conclusions:

Policy 1 is met because the amendments address renewable energy systems that are currently not addressed in the code.

Policy 2 is met because the amendments carry out the Comprehensive Plan Goals and Policies recently adopted for renewable energy.

Policy 8 is met because the amendments provide procedures and standards for the development of these renewable energy systems.

Policy 9 is met because the amendments propose standards to ensure compatibility between adjacent land uses.

Policy 20 is met because a comprehensive planning process was followed that included extensive public involvement and because the project was initiated and continued by the Council on its Council Work Plans.

Policy 21 is addressed because the proposed amendments were initiated with Council's adoption of the Council Work Plan in 2011 and then continued with adoption of the 2012 and 2013 Council Work Plans.

The proposal is consistent with the applicable general goals and policies listed in this section.

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

Goal: The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

Policy 1: The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.

Policy 2: The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions.

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

Policy 6: The City shall ensure that technical information necessary to make policy decisions is readily available.

Policy 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. A Public Participation Plan was developed at the onset of the project and implemented throughout the project.

The project has actively engaged the public in the planning process, including four community forums, four Council policy meetings, six Planning Commission work sessions, two Natural Resource and Sustainability Committee work sessions, two Design Commission work sessions, and three Stakeholder Group meetings.

The project web page has been kept up to date with schedules and drafts of the proposal. Public notice was also provided to the Gresham Outlook and notice was also sent to the State Department of Land and Conservation Development (DLCD) and Metro.

Outreach included:

- Planning Commission work sessions on 6/13/11, 1/23/12, 3/12/12, 5/14/12, 10/8/12 and 2/11/13.
- City Council work sessions on 7/12/11, 6/12/12, 12/4/12 and 1/15/13.
- Community Forums on 5/2/11, 12/14/11, 3/8/12 and 2/21/13.
- Design Commission meetings on 1/18/12 and 4/18/12.
- Natural Resources and Sustainability Committee meetings on 6/14/11 and 2/21/12.
- Developer's Group presentation on 1/26/12 and 5/24/12.
- Technical Advisory Stakeholders Group meetings on 12/13/11, 1/18/12 and 4/5/12.
- City staff prepared project documents and posted them on a project web page on the City's website. Interested parties were invited to evaluate the documents and propose revisions and new ideas.
- Information on the project has been made available at other Comprehensive Planning workshops.
- A LISTSERV email tool has been used to alert interested parties when new materials are available on the website and when upcoming meetings will occur.
- Project information has been available at the Urban Design & Planning office.

Conclusion:

The Citizen Involvement Goal and related policies were addressed through the extensive public outreach efforts. This included community forums, email notices, and presentations at the Planning Commission, other City committees, and the City Council.

The proposal is consistent with all the applicable Citizen Involvement Goals and Policies.

3. Energy Goals & Policies

Section 10.222 – Energy Sources

Policy 1: Ensure City programs and codes promote energy use, generation, distribution and storage that sustain or enhance community health, safety, quality of life, environmental quality and the quality of the built environment.

Policy 2: Encourage innovation, such as through Development Code flexibility, removing barriers to adoption of new renewable energy systems and considering incentives.

Policy 3: Apply the appropriate level of review and regulation necessary for renewable energy projects to protect community health, safety, quality of life, environmental quality and the quality of the built environment.

Policy 5: Encourage public and private use of renewable energy.

Policy 7: Ensure the benefits of energy are distributed equitably and any potential negative effects are not concentrated unfairly.

Findings:

The proposed Code standards which address solar, wind, biomass, geothermal and micro-hydro energy systems:

- Create a new use classification where the specific characteristics of each system, its example uses, accessory uses and any exceptions are listed for a clear determination of what the renewable energy system use means.
- Provide clarity regarding how the systems are described and classified to the potential installers of renewable energy systems, to the residents who may be affected and to City staff who are implementing the standards.

- Identify a process for determination of similar use to encourage future innovative renewable energy systems that may not yet be described in the Code.
- Describe where and how renewable energy systems are permitted in which land use districts. Generally the standards create the most stringent requirements for single-family residential land use districts to ensure compatibility with the adjacent residential uses. Multi-family residential and commercial land use districts have fewer restrictions on the systems than single-family districts. Industrial land use districts, when not adjacent to residential districts, allow the greatest range of options for renewable energy systems in the least restrictive fashion as potential negative impacts to residents are minimal.
- Provide a Special Use Review process for those renewable energy systems that are not permitted outright in a land use district to evaluate compatibility and significant impacts upon the adjacent properties, surrounding areas, the environment and public facilities, and a way to require mitigation of those impacts.
- Provides general standards as well as scale, type, height, setback and yard standards so it is clear how the system will be allowed.
- Creates a clear process for approval so the implementation of new renewable energy systems is encouraged where appropriate to the community.

Conclusion:

Policies 1, 3 and 7 are addressed with new Code amendments which recognize there is an appropriate place and manner in which the renewable energy systems are to be allowed in order to protect community health, safety, quality of life, environmental quality and the quality of the built environment. The standards look at the scale, type, height, placement, potential effects and screening of the systems to ensure they can occur without causing undue hardship to adjacent property owners.

Policies 2 and 5 are addressed with changes to the Code that clarify the required review process for potential owner applicants and renewable energy system installers in order to encourage incorporation of the systems into the community fabric. A facilitated process for the implementation of renewable energy systems provides the opportunity for more renewable energy jobs and for the generation of power locally for a more stable and equitable economy. In circumstances where more intensive scrutiny of potential impacts is required, a Special Use Review process is proposed to protect Gresham citizens.

The new Code amendments support the Energy Sources policies.

Section 10.223 – Energy Conservation

Policy 3: Encourage new renewable energy systems in the city.

Findings:

The proposed Code amendments describe the renewable energy systems as accessory to the primary use on the site. This ensures that the city can develop with the land uses envisioned on the Gresham Community Plan Map without large land areas being consumed with renewable energy systems.

Additionally, the updated Development Code will result in energy conservation as more people incorporate renewable energy systems into their properties through the clear review process. As more systems are installed, there will be a reduction in greenhouse gas emissions and green development will be promoted.

Conclusion:

Policy 3 has been addressed with the new development Code standards which clearly define the renewable energy systems and provide standards describing allowed sizes, types, scales, appearances, effects and processes such that community health, safety, quality of life, environmental quality and the quality of the built environment in Gresham will be enhanced while avoiding adverse impacts.

The new Code ensures that specific renewable energy systems are allowed where and how they are most appropriate thereby promoting the renewable energy use while protecting the citizens, business owners and property owners of Gresham from any adverse effects associated with the systems.

The new Code amendments support the Energy Conservation policies.

C. Metro Urban Growth Management Functional Plan (UGMFP)

Title 8 Compliance Procedures

Findings:

Section 3.07.820 Compliance Review by the Chief Operating Officer requires that, at least 45 days prior to the first evidentiary hearing on an amendment to a Comprehensive Plan or land use regulation, the City submit the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to both DLCD and Metro on January 24, 2013, which was at least 45 days prior to the first evidentiary hearing of March 25, 2013. Metro has submitted no comments or request for an analysis.

Conclusion:

The City has submitted the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing and Metro has made no comments or request about the proposal. The proposal is consistent with Title 8.

D. Oregon Statewide Planning Goals

Statewide Planning Goal 1 Citizen Involvement requires that cities *"provide the opportunity for citizens to be involved in all phases of the planning process."*

Statewide Planning Goal 2 Land Use Planning 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 Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space requires cities to *"protect natural resources and conserve scenic and historic areas and open spaces."*

Statewide Goal 13 Energy Conservation requires cities to manage and control land and uses *"so as to maximize the conservation of all forms of energy, based upon sound economic principles."*

Findings:

A thorough public input process was conducted in the creation of the proposed amendments, which allowed the public to be involved at each stage of the amendments' development. Four community forums were held with the express purpose of educating the public about the project and to gain input. Eighteen public meetings were held. This meets Statewide Planning Goal 1.

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, goals and policies of the City's Comprehensive Plan. This meets Statewide Goal 2.

The proposal incorporates new standards that protect wildlife, such as birds and bats, and that protect our water resources and watershed. The standards also conserve and protect our historic resources with additional review for renewable energy systems on historic sites or buildings. This meets Statewide Goal 5.

The proposed amendments provide clear direction as to how and where the renewable energy systems will be allowed in the city. It addresses solar, wind, biomass, geothermal and micro-hydro renewable energy systems and also discusses electric vehicle charging systems. The new renewable energy Code provides a direction for the city which includes encouraging the right renewable energy system in the right location to conserve energy and ensure that land and uses are managed. This meets Statewide Goal 13.

Conclusion:

Goal 1, 2, 5 and 13 are met by providing Development Code standards that prioritize the incorporation of renewable energy systems to the maximum extent possible and encourage public and private use of those systems which helps sustain and enhance community health, safety, quality of life, environmental quality and the quality of the built environment.

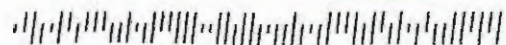
SECTION VII CONCLUSION

The proposed Comprehensive Plan amendments attached as Exhibit 'A' are consistent with applicable Development Code procedures of the Community Development Plan; the applicable Community Development Plan Goals & Policies; the applicable Metro Urban Growth Functional Plan Titles; and the applicable Statewide Planning Goals referenced in Section VI of this report.

SECTION VIII RECOMMENDATION

Staff recommends **adoption** of the proposed Comprehensive Plan Volume 3 Development Code amendments as contained in the attached Exhibit 'A.'

End of Staff Report



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