



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 15, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 003-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: October 31, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<paa> ya/Mtg

FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
OCT 14 2008

STAMP
DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Gresham**

Local file number: **CPA 08-26000180**

Date of Adoption: **10/7/2008**

Date Mailed: **10/10/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/29/2008

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Modified early neighborhood notification process; requires lots and parcels to be rectilinear; clarifies how different applications are reviewed and by whom; changed the Downtown/Civic Neighborhood Architectural Review Committee to the Design Commission and introduced design districts; modified the threshold when stormwater treatment practices apply; increased the minimum length of a driveway in most residential districts to 20 feet; removed mini-storage facilities as an allowed use in MDR-24.

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

No allowance for flexibility in lot size when proposing a partition or subdivision; minor modifications to how the early neighborhood notification occurs; maintain accessory dwelling units as a Type II review.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **city-wide**

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 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

DLCD # 003-08 (16927)

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Metro

Local Contact: **Stacy Humphrey**

Phone: (513) 618-2202 Extension:

Address: 1333 NW Eastman Parkway

Fax Number: 503-618-2173

City: Gresham, OR

Zip: 97030-

E-mail Address:

stacy.humphrey@ci.gresham.or.us

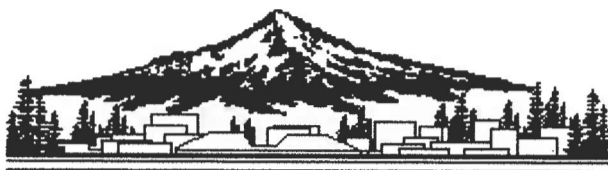
ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



Urban Design & Planning Services
City of Gresham

CERTIFICATION OF MAILING

FILE NO.: CPA 08-180

PROJECT: City of Gresham-Development
Code Improvement Project #1

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

DLCD

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

Metro
Growth Management
600 NE Grand
Portland OR 97232-2736

Tim Brunner
16805 NE Hancock Ct.
Portland, OR 97230

Carol Rulla
5162 SE 28th Drive
Gresham, OR 97080

Sue Ruonala
4619 SE 5th
Gresham, OR 97080

Marc Thornsbery
16213 NE San Rafael Dr.
Portland, OR 97230

Suzan Wells
2861 SW Lillyben Place
Gresham, OR 97080

John Riddell
18637 SE Giese Road
Portland, OR 97236

Roger Meyer
18162 E. Burnside
Portland, OR 97233

Kathy Henton
2129 SE Douglas Place
Gresham, OR 97080

Joy Gannett
109 SW 6th Ct.
Gresham, OR 97080

Reita Hribernick
3847 SW 6th
Gresham, OR 97030

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: October 10, 2008

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

CB 05-08

ORDINANCE NO. 1660

AMENDMENT TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, RELATED TO THE DEVELOPMENT CODE IMPROVEMENT PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 3.0000 is amended as follows:

Section 3.0010 – Definitions

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

Downtown Design District is generally all of the Downtown Plan District (DPD) lands; Station Center (SC) lands that are on the east side of Eastman north of Division and south of Burnside, and north side of Division north of the DPD; Community Commercial (CC) lands that are north of Division, north and south of Burnside and east of Eastman; Corridor Mixed Use (CMU) on both the north and south side of Burnside, east of Eastman and Transit Low Density Residential (TLDR) north of Division and south of Burnside, east of Eastman.

Rockwood Design District is generally the Rockwood Town Center (RTC) lands and the Station Center (SC) lands along the MAX line from the west City limits to Birdsdale including the SC-Ruby Junction (SC-RJ) lands.

Corridor Design District is generally those corridor districts -- Corridor Multi-Family (CMF); Corridor Mixed Use (CMU); Moderate Commercial (MC) and Community Commercial (CC) that are not included in another Design District.

Civic Neighborhood Design District is generally all of the Civic Neighborhood Plan District; Station Center (SC) lands south side of Division and west of Eastman; Community Commercial (CC) land north of Burnside and west of Eastman; and Transit Low Density Residential (TLDR) and Corridor Mixed Use (CMU) west of Eastman along Division.

Pleasant Valley Design District is generally the Pleasant Valley Town Center (TC-PV).

Springwater Design District is generally the Springwater Village Center (VC-SW) and the abutting Townhouse Residential (THC-SW) land to the east of the VC-SW.

Design District, Site Design. Within a design district two options are available for site design review. One is to meet the requirements of the design standards. The second is to meet the requirements of the design guidelines. Larger developments that propose to meet the design standards or any development that proposes to meet the design guidelines will be reviewed by the Design Commission at a public hearing. Smaller developments that propose to meet the design standards are an administrative review by the Manager. Larger developments may include residential development with a threshold number of units, mixed-use and commercial development of a threshold size, and community services uses. The initial threshold for Design Commission review authority in Design Districts is shown in table 3.0010-Design Commission Design Review.

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Table 3.0010 - DESIGN COMMISSION DESIGN REVIEWS

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

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

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

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

Flag Lot. A lot with two distinct parts: the flag, which is the only building site, located behind another lot; and the flag pole, which connects the flag to the street, provides the only street frontage for the lot and is narrower than the street frontage required for that district. single parcel serving a single dwelling unit which does not have the required frontage on a public owned and maintained street, but which does have access to a public owned and maintained road by means of ownership.

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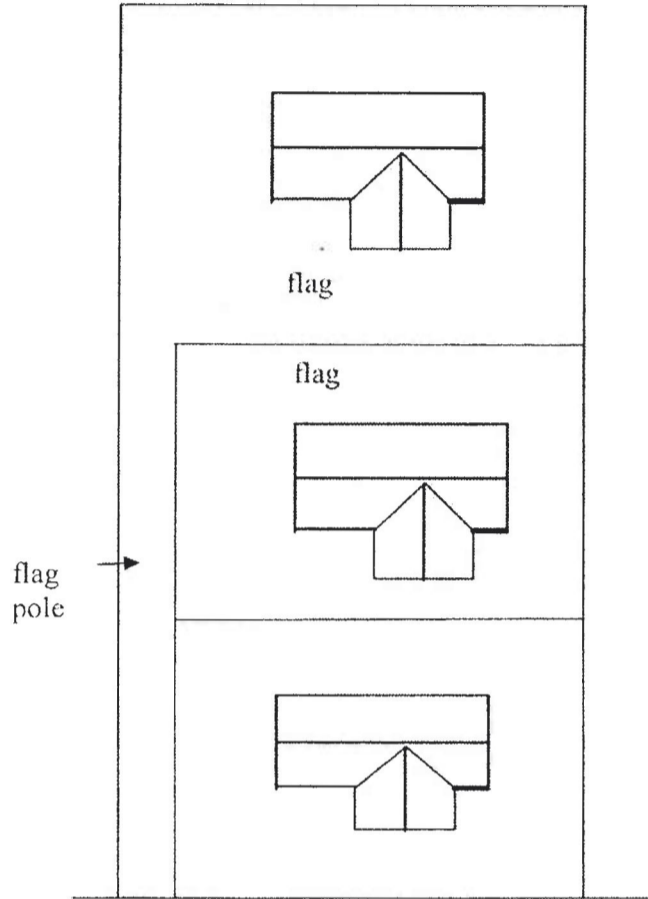
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Flag Pole. The narrow portion of a flag lot needed to provide that provides vehicular access from the street to the remainder of the parcel. A flag pole is typically under parent parcel ownership, but may be allowed as an easement for shared access across an adjacent ownership or as interim access pending future street development (see Figure A12.001, Appendix 12.000).

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

Lot, Irregular Shaped. A lot that is other than rectilinear ~~rectangular~~ in shape.

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

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

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

Stormwater Treatment. The process of removing sediment and pollutants from stormwater runoff by using one or more methods (e.g. detention, retention/infiltration, filtration, separation) specified in Sections 9.0523 and A5.224 of the Community Development Code the City's Water Quality Manual.

Section 2. Volume 3, Development Code, Table 4.0120 is amended as follows:

Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR	TLDR	MDR-12	MDR-24	OFR
(R) Interim office uses in existing detached dwelling structures	NP	NP	NP	P	NP
(S) Mini-Storage Facilities	NP	NP	NP	P	NP

Section 3. Volume 3, Development Code, Table 4.0130 is amended as follows:

Table 4.0130: Development Requirements For Residential Land Use Districts

	LDR ^{1,2}	TLDR	MDR-12	MDR-24	OFR
(F) Maximum Building Height	35 feet. See Section 10.1100 for shoreline height standards. See Section 4.0139 for infill height standards.	35 feet. See Section 4.0139 for infill height standards.	35 feet. See Section 9.0600 when abutting an LDR District for height transition standards.	Single family attached dwellings: 35 feet. Other attached dwellings: 3 stories or 40 feet. Also see Sec. 4.0134(A). When abutting an LDR District see Section 9.0600 for height transition standards.	35 feet. Also see Section 9.0600 for height transition standards. See Section 4.0134(C).
(G) Height Transition	Not Applicable	Not Applicable	Yes, when abutting an LDR District	Yes, when abutting an LDR District	See Section 9.0600 for applicability

(L) Mini-Storage Facilities	Not Applicable	Not Applicable	Not Applicable	See Section 4.0138	Not Applicable

Section 4. Volume 3, Development Code, Table 4.0130(E) is amended as follows:

Table 4.0130(E) - Minimum Setbacks in Residential Districts [7]

	FRONT			SIDE					REAR	
	Front Facade/ Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/ No Alley	Rear/ With Alley
Single Family Detached:										
[6]										
<u>LDR</u> [1]	10 feet	6 feet	18 20 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 20 feet	15 feet	6 feet
<u>TLDR</u> [1]	10 feet	6 feet	18 20 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 20 feet	15 feet	6 feet
<u>MDR-12</u>	10 feet	10 feet	18 20 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
<u>OFR</u>	10 feet	10 feet	18 20 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
Single Family Attached:										
[3][6]										
<u>TLDR</u>	10 feet	6 feet	18 20 feet	5 feet	NA	6 feet	6 feet	18 20 feet	10 feet	6 feet
<u>MDR-24, MDR-12, OFR</u> [2][3]	10 feet	6 feet	18 20 feet	5 feet	NA	6 feet	6 feet	18 20 feet	10 feet	6 feet
Attached Dwellings:										
[6]										
<u>MDR-12</u> [2][3][4]	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 20 feet [5]	15 feet	15 feet
<u>MDR-24</u> [2][3][4]	10 feet [5]	6 feet [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 20 feet [5]	15 feet	15 feet
<u>OFR</u> [2][3][4]	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	[5]	NA [5]	NA [5]	15 feet	15 feet

[3] Height Transition Standards of Section 9.0600 may apply.

Section 5. Volume 3, Development Code, Section 4.0138 is amended as follows:

4.0138 Special Requirements for Mini-Storage Facilities developed in an MDR-24 District

The following standards apply to a mini-storage facility in MDR-24 District and supersedes others applicable MDR-24 standards:

~~(A) Minimum Setbacks~~

- ~~(1) Front: 10 feet~~
- ~~(2) Side:
 - ~~(a) Interior: 10 feet~~
 - ~~(b) Street Side (corner lot): 10 feet~~
 - ~~(c) Rear: 10 feet~~~~

~~(B) Minimum/Maximum site size~~

- ~~(1) Minimum site size = 2 acres~~
- ~~(2) Maximum site size = 6 acres~~

~~(C) Minimum Lot Dimensions~~

- ~~(1) Lot Width = 100 feet~~
- ~~(2) Lot Depth = 100 feet~~

~~(D) Maximum Height = 30 feet~~

~~(E) Mini-storage facility sites shall abut a designated arterial street as identified in Figure 20, Volume IV Transportation System Plan, of the Gresham Community Development Plan.~~

~~(F) All storage (except screened recycling and garbage facilities) shall be maintained within a completely enclosed structure.~~

~~(G) Except for one living unit for the resident managers and one rental office, Accessory Uses are prohibited.~~

~~(H) Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m. except for facility staff and security personnel.~~

~~(I) All mini-storage facilities must have a pitched roof with a nominal slope of at least 4 feet in height for each 12 feet of width.~~

~~(J) The sign standards of Section A6.110 shall apply.~~

~~(K) Buffering and Screening. The standards of Section 9.0100 shall apply with the following exceptions to Subsection 9.0110(C) and (D):~~

- ~~(1) A Type "C" buffer shall be provided by the developer of the mini-storage facility along each property line that abuts property with a residential land use designation or is occupied by a residential Community Service use.~~
- ~~(2) The landscaped buffer shall be provided in the area between the property line and the required fencing or walls.~~

Section 6 . Volume 3, Development Code, Section 4.0140 is amended as follows:

4.0140 Large Lot Subdivision Option for Low Density Residential (LDR)

(B) Standards for large lot subdivisions. The following standards apply to large lot subdivisions:

- (4) Minimum lot dimensions/yard setbacks:

Minimum side yard setbacks:

- Interior side: 7.5 feet
- Street side wall: 15 feet
- Street side porch: 9 feet
- Street side garage access: 20+8 feet

Section 7. Volume 3, Development Code, Table 4.0420 is amended as follows:

Table 4.0420: Uses Permitted In the Corridor Districts

Use Categories:	Rock-wood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
<u>Residential Uses:</u>							
(F) Interim Office Uses	NP	NP	NP	P	NP	NP	P

Section 8. Volume 3, Development Code, Table 4.0430 is amended as follows:

Table 4.0430 Development Requirements For Corridor Districts

Table 4.0430 Notes:

¹ Minimum setbacks for single-family attached dwellings are:

- (a) Front Yard:
 - (i) Front façade = 5 feet
 - (ii) Front Porch = 3 feet
 - (iii) Garage = 4+20 feet
- (b) Side Yard:
 - (i) Interior = 5 feet for any side of a dwelling structure that is not a common wall with another dwelling structure;
 - (ii) Street side (corner lot): Façade = 5 feet; Porch = 5 feet; Garage with access from street side = 4+20 feet.
- (c) Rear Yard = 10 feet if there is no alley; 5 feet if there is an alley.
- (d) Additional setbacks = see Table 7.0201(M)(3)(a).

Section 9. Volume 3, Development Code, Section 4.1148 is amended as follows:

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

(A) Purpose

The criteria contained in this section are intended to encourage good quality design in new building construction within the CUC and DT sub-districts. Good design results in buildings which are in visual harmony with nearby, higher-quality buildings, leading to a central downtown district which is attractive, interesting, active, and safe. These qualities in turn contribute to the creation of a downtown core which facilitates easy pedestrian movement and establishment of a rich mixture of uses. A diversity of architectural styles is encouraged in the CUC and DT sub-districts.

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

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

Section 10. Volume 3, Development Code, Table 4.1242 is amended as follows:

4.1242 Architectural Design Review Guidelines

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

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

Section 11. Volume 3, Development Code, Table 4.1408 B is amended as follows:

Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts

	Front			Side			Rear			
	Front Façade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley
LDR-PV										
Minimum Setbacks										
Detached Dwelling Units/ Manufactured homes	10 ft	6 ft	18 ft <u>20 ft</u>	5 ft	6 in on zero/ 6 ft on other side	10 ft	6 ft	18 ft <u>20 ft</u>	15 ft	5 ft
Single-family attached dwellings	10 ft	6 ft	18 ft <u>20 ft</u>	5 ft	N/A	6 ft	6 ft	18 ft <u>20 ft</u>	15 ft	5 ft
Two-unit attached dwellings (duplex)	10 ft	6 ft	18 ft <u>20 ft</u>	5 ft	N/A	6 ft	6 ft	18 ft <u>20 ft</u>	15 ft	5 ft

	Front			Side					Rear	
	Front Façade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley
MDR-PV										
Minimum Setbacks Detached Dwelling Units/ Manufactured homes	10 ft	6 ft	18-ft <u>20 ft</u>	5 ft	6 in on zero/ 6 ft on other side	5 ft	5 ft	18-ft <u>20 ft</u>	15 ft	5 ft
Single-family Attached Dwellings (all types) and Live-Work Attached Dwellings	5 ft	5 ft	18-ft <u>20 ft</u>	5 ft	N/A	5 ft	5 ft	18-ft <u>20 ft</u>	10 ft	5 ft
Two-unit attached dwellings (duplex)	5 ft	5 ft	18-ft <u>20 ft</u>	5 ft	N/A	5 ft	5 ft	18-ft <u>20 ft</u>	10 ft	5 ft
Maximum Setbacks ¹										
Attached dwellings (3 or more units)	20 ft	20 ft	N/A	N/A	N/A	N/A	20 ft	20 ft	N/A	N/A
HDR-PV										
Minimum Setbacks										
Single-family attached dwellings	5 ft	5 ft	18-ft <u>20 ft</u>	5 ft	N/A	5 ft	5 ft	18-ft <u>20 ft</u>	10 ft	5 ft
Two-unit attached dwellings (duplex)	5 ft	5 ft	18-ft <u>20 ft</u>	5 ft	N/A	5 ft	5 ft	18-ft <u>20 ft</u>	10 ft	5 ft

Section 12. Volume 3, Development Code, Section 4.1428 is amended as follows:

4.1428 Architectural Design Review

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

Section 13. Volume 3, Development Code, Table 4.1508(cont) is amended as follows:

Table 4.1508(continued) - Minimum Setbacks

	FRONT			SIDE					REAR	
	Front Facade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley
<u>Single Family Detached: (6)</u>										
<u>LDR</u>	10 feet	6 feet	18 feet <u>20 feet</u>	5 feet	6 inches on zero/ 6 feet on other side	10 feet	6 feet	18 feet <u>20 feet</u>	15 feet	6 feet
<u>Single Family Attached:</u>										
<u>LDR</u>	10 feet	6 feet	18 feet <u>20 feet</u>	5 feet	NA	6 feet	6 feet	18 feet <u>20 feet</u>	NA	6 feet
<u>THR</u>	6 feet	1 foot	NA	5 feet	6 inches on zero/ 6 feet on other side	6 feet	6 feet	18 feet <u>20 feet</u>	NA	6 inches

Section 14. Volume 3, Development Code, Section 4.1528 is amended as follows:

4.1528 Architectural Design Review

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

Section 15. Volume 3, Development Code, Section 5.0000 is amended as follows:

5.0210 Submittal Requirements

5.0210 (C) (5) (d) Drainage considerations.

- (i) Soil permeability.
- (ii) Protection from sheet flood or gully erosion, and debris flows or mud flows.
- (iii) This section shall include findings and recommendations for the developed hydrologic conditions, as proposed, including treatment and detention facilities, complying with Section 9.0522 the City's Water Quality Manual. If infiltration facilities are proposed, the findings and recommendations shall include the effect of the facilities on slope stability.

5.0421 Supplemental Data Requirements

(A) In addition to application materials required for a development permit, the Manager shall require that a detailed Environmental Report be prepared and submitted by the applicant when it appears that any portion of a proposed development activity (except a ~~minor partition~~ or a lot line adjustment) will occur within or immediately adjacent to property designated NR on the Community Development Plan Map. The Manager shall have the authority to require that the Environmental Report be prepared by one or more qualified professionals, including wildlife biologists, botanists, and hydrologists. The Environmental Report shall:

5.0422 Standards for Development in the Transition Area

When an application for a development permit is submitted for development (except a ~~minor partition~~ or a lot line adjustment) in the transition area of an NR site, materials submitted with the application shall demonstrate conformance with the following standards:

5.0603 Map as Reference

Area Overlay District.

(C) All development permit applications for properties affected by the Water Quality Resource Area shall show the location of the WQRA on their site plans. An application shall not be complete pursuant to Article XI Section 11.0212 of the Gresham Community Development Code until the WQRA is shown.

5.0614 Map Administration

(B) Map Corrections:

- (1) Within 90 days of receiving information establishing a possible error in the existence or location of a Protected Water Feature or Water Quality Resource Area Overlay District, the manager shall provide notice to interested parties of a public hearing at which the City shall review the information.

The public hearing shall be held by the ~~Planning Commission~~, who shall review the proposal under the Type III permit procedure by the ~~Hearings Officer~~.

(2) The ~~Hearings Officer~~ ~~Planning Commission~~ shall approve a boundary revision of the Water Quality Resource Area Overlay District if the submitted information demonstrates:

(C) Modification of the Water Quality Resource Area Map

(1) To modify the Water Quality Resource Area Overlay District, the applicant shall demonstrate that the modification will offer the same or better protection of the Protected Water Feature and Water Quality Resource Area.

(2) A proposal to modify the WQRA shall be processed under the Type III permit procedure with the ~~Hearings Officer~~ ~~Planning Commission~~ reviewing the proposal at a public hearing.

(D) Adding a Title 3 Wetland to the Water Quality Resource Area Map:

(5) The public hearing shall be held by the ~~Hearings Officer~~ ~~Planning Commission~~ who shall review the proposal under the Type III permit procedure. The ~~Hearings Officer~~ ~~Planning Commission~~ shall approve adding the wetland to the Water Quality Resource Area Map if criteria (D)(3) is met. If added to the map, the wetland is deemed a "Title 3 Wetland" and shall be protected by the standards that apply to a Primary Protected Water Feature.

Section 16. Volume 3, Development Code, Section 6.0000 is amended as follows:

6.0011 Lot and Parcel Configuration Side Yards

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

As far as practical, the side property lines of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.

6.0201 Tentative Partition or Subdivision Plan

(A) An application for a tentative ~~major~~ partition or subdivision plan shall be processed under the Type II procedure except a plan submitted as a Planned Development, which, pursuant to Section 6.0300 of the Community Development Code, shall be processed under the Type III procedures.

~~(B) An application for a tentative minor partition plan shall be processed under a Type II procedure.~~

Section 17. Volume 3, Development Code, Table 7.0201 is amended as follows:

Table 7.0201(M)(3)(a)

Minimum Setback Standards for SFA Dwelling Units	***** Districts with Maximum Density generally at or less than 24 units per acre (TLDR, MDR-12, MDR-24, OFR, and DR- 12 districts)	Districts with Maximum Density greater than 24 units per acre and the CMF and CMU Districts
Front face of garage	±8 20 feet	±8 20 feet
Street side (garage face)	±8 20 feet	±8 20 feet *

Section 18. Volume 3, Development Code, Section 8.0000 is amended as follows:

8.0102 Review of Community Services

- (A) Type I Community Service uses are reviewed under the Type I procedure.
 (B) Type II Community Service uses are reviewed under the Type II procedure.
 (C) Type III Community Service uses are reviewed under the Type III procedures. All Type III Community Services Uses are heard by the Hearings Officer with the Planning Commission as the appeal body except the following major community services, which will be heard by the Planning Commission with the City Council as the appeal body:
(1) Public or private high schools or colleges;
(2) Stadium, arena or auditorium;
(3) Public buildings such as, but not limited to, a city hall, post office or library; and
(4) Hospital.

8.0111 Type II Community Services

The following community services may be approved under the Type II procedure:

- (F) Public or private elementary or middle school, academically accredited by the state of Oregon, proposed for development in any district other than the Downtown Plan District or the Civic Neighborhood Plan District.

8.0112 Type III Community Services

The following community services may be approved under the Type III procedure:

- (B) Public or private elementary or middle school, academically accredited by the State of Oregon, proposed for development within the Downtown Plan District or the Civic Neighborhood Plan District.

Section 19. Volume 3, Development Code, Section 9.0500 is amended as follows:

9.0520 Applicability

The requirements of this section apply to all development developments and redevelopments, with the following exceptions:

- (A) ~~All~~Development that will ultimately increase the impervious area by add or replace, less than 1,000 ~~2,500~~ square feet of impervious area.
- (B) Sites where it is infeasible to install on-site stormwater quality facilities (see Section 9.0525 Section 9.0522).
- (C) Developments where the City has identified an existing public stormwater quality facility that satisfies the requirements of the Water Quality Manual Section 9.0522 prior to discharge to a stream or wetland.

9.0521 Data Requirements

All applications for development permits except those specified in Section 9.0520 shall provide sufficient information for the Manager to evaluate the applicant's intent to include on-site stormwater quality controls in order to reduce or eliminate the discharge of sediments and other stormwater pollutants to the storm sewer or natural drainage channel (e.g., stream). The applicant for a development permit shall submit a stormwater quality control plan as part of their application utilizing appropriate best management practices (BMPs), per the Water Quality Manual (WQ Manual). ~~The information contained in a stormwater quality control plan shall include, at a minimum:~~

- (A) ~~A map showing the locations of the stormwater quality facilities (including inlet and outlet structures) with relation to buildings and other structures, the storm sewer system for the site, and natural watercourses (e.g., streams, wetlands, bogs and marshes) affecting the site. Watercourses and potential wetlands can be identified from the Metro "Proposed Protection Areas" map, adopted June 1998, or from the City's aerial topographic maps. It shall be the applicants responsibility to delineate the boundary of any wetlands meeting the definition in Section 3.0010.~~
- (B) ~~A topographic map delineating the drainage area served by each stormwater quality facility, calculations and estimated volume to be captured and treated by each facility, the size and physical configuration (with supporting calculations) of each facility, and design details for any flow bypass or diversion devices.~~
- (C) ~~Specifications for the stormwater quality facilities, including construction and materials requirements, and manufacturer's data, as appropriate.~~
- (D) ~~A statement of the intended use of the site for full build-out conditions and the appropriateness of the selected stormwater quality facilities for treating the stormwater pollutants expected in relation to that land use.~~
- (E) ~~The maintenance methods and frequencies necessary to ensure optimum performance of the stormwater quality facilities over their projected life. This shall be in the form of the operation and maintenance plan required by GRC 3.20.065.~~

9.0522 Stormwater Quality Treatment Performance Standard

~~All developments except those specified in Section 9.0520 shall treat stormwater runoff for the site. This standard can be met by installing stormwater quality treatment facilities to satisfy the following design criteria:~~

~~Detention-based stormwater quality control:—The required design volume for detention-based control is equal to the entire runoff volume that would occur from a site with a 1.2-inch, 24-hour storm.—The drawdown time for the entire volume must be greater than or equal to 48 hours.—For the lower half of the detention volume, the drawdown time must be greater than 36 hours.—Additional design criteria for inlet and outlet spacing and design, as well as guidelines for calculating volumes, are contained in the Public Works Standards.~~

~~Flow-through-based stormwater quality control:—the required design flow rate for treatment is the runoff that would be produced from a rainfall intensity of 0.2 inches/hour for on-line facilities, and 0.11 inches/hour for off-line facilities.—This rate must be maintainable for a minimum of three hours.—Additional design criteria for flow calculation, as well as specific treatment criteria for various types of stormwater facilities (e.g., infiltration and stormwater filters), are contained in the Public Works Standards.~~

~~Combination detention-based and flow-through-based stormwater quality control:—Detention facilities may be combined with flow-through facilities.—The applicant must show that the combined system could sufficiently treat stormwater runoff for the runoff produced by the flow-through treatment rates of 0.2 inches/hour (on-line facilities), occurring for a three-hour period.~~

~~Stormwater quality facilities shall be selected for the site which are appropriate to treat expected stormwater pollutants based on the intended use of the site under full build-out conditions.~~

~~9.0523 Stormwater Quality Facilities~~

~~The following stormwater quality treatment methods and facilities are acceptable to the City for meeting Section 9.0522.~~

- ~~(A) Detention and sedimentation:—Detention of stormwater runoff allows for the settling of fine particles and sediment, and the pollutants associated with these particles.~~
- ~~(B) Filtration: Filtration of stormwater is provided by flowing water through various types of media, such as vegetation, sand or synthetic materials, which adsorb and filter out pollutants.~~
- ~~(C) Retention/Infiltration: Retention or infiltration facilities allow for temporary storage and disposal of stormwater by allowing the water to percolate into the ground.~~
- ~~(D) Oil and Water Separation: Various types of commercially available oil and water separators, also known as oil and grease separators, use sedimentation, separate chambers, baffles and/or plates to separate water from oil products.~~

~~Different types of stormwater facilities can be combined to meet the performance standard of Section 9.0522.—Other stormwater quality facilities not included in the above list may be adopted by City Council with the Public Works Standards.—Design and performance criteria for acceptable stormwater quality facilities are contained in Section 2.0070 of the Public Works Standards.~~

~~9.0524 Pretreatment for Stormwater Quality Infiltration Systems~~

~~When proposed for use as a stormwater quality facility, infiltration systems shall include appropriate pretreatment to remove pollutants expected from the intended use of the site under full build-out conditions.—Pretreatment can include any of the facilities specified in Section 9.0523 except infiltration facilities.—Use of infiltration systems shall depend on results of tests specified in Section 2.0046 of the Public Works Standards.~~

9.0525 9.0522 Sites Where it is Infeasible to Install On-Site Stormwater Quality Facilities

The Manager may determine that on-site control is not feasible based on limiting physical site constraints. In such cases, the Manager may establish payment of in-lieu-of fees that would be used by the City to complete regional stormwater quality control facilities. In-lieu-of fees must be based on estimated capital cost for typical on-site systems.

9.0526 9.0523 Maintenance and Inspection of Private Stormwater Quality Facilities

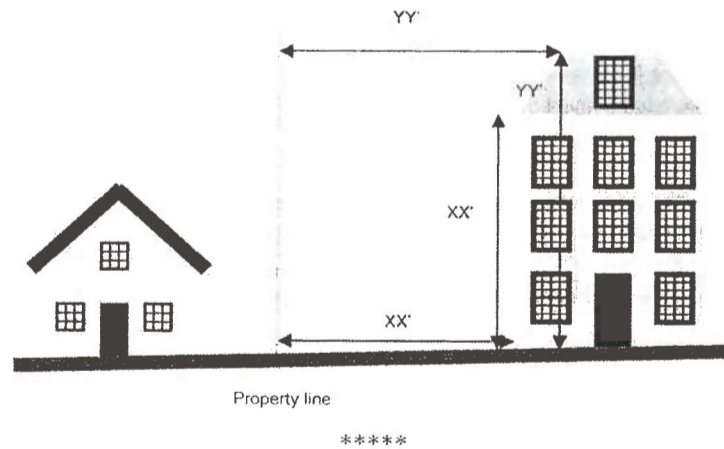
Maintenance of private stormwater quality systems shall be the responsibility of the owner customer. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to the City approval. Maintenance requirements shall be specified in an approved maintenance plan at the time of project acceptance. Customer shall enter into a maintenance agreement with the City to ensure the implementation of the maintenance plan. Private stormwater quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance.

Section 20. Volume 3, Development Code, Section 9.0600 is amended as follows:

9.0610 Height Transition Standards

(A) For every one foot of height of a portion of a proposed building one foot of horizontal distance between that portion of the building to the abutting LDR or TLDR property line is required. However, buildings containing attached dwelling units not exceeding 35 feet in height may be located within 50 feet horizontal distance of an abutting LDR or TLDR district property line. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting residential district. When the proposed structure is designed such that different sections will have different heights, the height transition area shall be measured for each vertical surface as if it were free-standing. The building then must be located on the site so that no section is closer to the abutting residential property line than it would be if the section was free-standing.

Figure 9.0611A



Section 21. Volume 3, Development Code, Section 9.0700 is amended as follows:

9.0712 Compliance with or Revision to Future Street Plans

New developments shall be consistent with adopted Future Street Plans and/or Pleasant Valley Master Plan. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. In the case where the development is within an adopted Pleasant Valley Master Plan, a revision shall only occur through an amendment to the Master Plan. A revision to an approved future street plan may be approved by the Manager under a Type II procedure when it is applied for in conjunction with a land division or site plan review application. A revision to an approved future street plan may be reviewed by the ~~Hearings Officer~~ Planning Commission under a Type III procedure when it is applied for independent of any land development application. An approved future street plan may be revised by the council in conjunction with a revision to the Community Development Code, under the Type IV procedure. All revisions to future street plans must comply with Section 9.0710.

~~9.0713 LDR and TLDR Future Street Plans~~

- (A) ~~Notice.~~ When an application includes a proposed new or amended Future Street Plan, notice to adjacent property owners (as described in Section 11.0200) is provided by the City.
- (B) ~~Neighborhood Association Involvement.~~ When a development application proposes a new or amended Future Street Plan, the Neighborhood Association shall be notified pursuant to the requirements of Section 11.0210. ~~When a neighbor expresses concern about a proposed Future Street Plan, the City will assist by referring the concerned party to the appropriate Neighborhood Association. When an active, City-recognized Neighborhood Association makes a request to discuss the Future Street Plan, the City will facilitate a meeting between the association and the applicant.~~

9.0740 City Initiated Future Street Plans

The Manager may initiate and the ~~Hearings Officer~~ Planning Commission may adopt a future street plan for an area where there is no proposal for a land division under the Type III procedure. A future street plan may be proposed, or an approved future street plan may be revised by the Council in conjunction with a revision to the Community Development Code, under the Type IV procedure. City initiated future street plans shall comply with Section 9.0710.

Section 22. Volume 3, Development Code, Section 10.0000 is amended as follows:

Section 10.0100

10.0102 Development Permit for an Accessory Dwelling

An application for an accessory dwelling shall be reviewed by the Manager under the Type II procedure.

Approval Criteria and Development Standards

10.0120 Approval Criteria

The Manager shall approve an application for not more than one accessory dwelling per existing primary single-family dwelling if the applicant shows compliance with the following criteria and standards:

- (A) The proposed accessory dwelling is located either: within or added to an existing single-family dwelling; or over a garage; or is within a single-family dwelling; or over a garage which is under construction. In the latter case, the Manager shall also find that the accessory dwelling will be occupied no sooner than the primary dwelling. No separate, free-standing units shall be permitted and the accessory dwelling must at least have a common wall, floor, or ceiling with the single-family dwelling or garage.
- (B) ~~The exterior of the proposed accessory dwelling unit shall match the main residence in terms of finish materials, roof pitch, trim, and window proportion and orientation. The exterior appearance of any exterior addition shall be architecturally compatible with the primary dwelling. Compatibility includes coordination of architectural style, exterior building materials and colors, roofing form and materials, and other architectural features.~~

Section 10.0600

Interim Office Uses

General

~~10.0601- Interim Office Uses in the MDR-24 and CMF Districts~~

General

10.0601 Interim Office Uses in the MDR-24 and CMF Districts

Interim-office uses in moderate-density residential districts shall be reviewed by the Manager under the Type II procedure and be approved if the following conditions are met:

- (A) ~~The office will occupy a detached dwelling unit which was constructed prior to the effective date of this section.~~
- (B) ~~Any structural alteration to accommodate the office use shall be consistent with the OFR standards of Section 4.0100 of the Community Development Code, and the Uniform Building Code. Any increase in floor area shall not result in a total floor area of more than 3,000 square feet. The total floor area of an existing dwelling that exceeds 3,000 square feet shall not be increased. The structural alterations shall not substantially change the residential appearance of the dwelling unit. Additional standards and procedures that apply to these uses include the following sections of the Community Development Code:~~
- ~~• Section 9.0800, off-street parking;~~
 - ~~• Section A6.000, Signs (the OFR commercial sign standards shall apply to interim offices);~~
 - ~~• Section 9.0400, fencing;~~
 - ~~• Section 9.0200, clear-vision area;~~
 - ~~• Section 9.0900, projections into yards and above the maximum heights;~~
 - ~~• Article VII, Site Design Review;~~
 - ~~• Section 10.0200, accessory structures;~~
 - ~~• Section 9.0100 only if a parking area is proposed within 25 feet of an existing residential development (a 'B' Buffer and the required landscaping shall apply).~~
- (C) ~~With the exception of Section A5.405, street lighting, and A5.410, sidewalks, of the Community Development Code, interim office uses shall be exempt from a finding of adequate public facilities, unless it is determined that the proposed use will exceed the capacity of existing facilities in the area.~~
- (D) ~~The site shall have frontage on an arterial street. The development shall be designed to limit conflicts with the surrounding residential uses.~~
- (E) ~~The interim office use shall terminate when an additional development permit application is approved for a development on the site.~~
- (F) ~~If the interim office structure is damaged by fire or other casualty or natural disaster that reduces the value to 20 percent or less of its current assessed valuation, as indicated in Multnomah County's Assessment and Taxation records, use of the property for an interim office shall terminate.~~

10.1300 Temporary Health Hardship Dwelling

10.1310 Development Permit for Temporary Health Hardship Dwelling

An application for a temporary accessory dwelling shall be reviewed by the Manager under the Type I-H procedure.

10.1312 Approval Criteria and Standards

The Manager shall approve an application for development permit if the applicant shows that either the primary dwelling or the temporary accessory dwelling will be occupied by a person with a health hardship, and that

- (A) The person with a health hardship is either one of the property owners or a relative of one of the property owners. For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.
- (B) The person with the health hardship is unable to adequately provide daily self-care needs because of a physical and/or medical impairment, based upon a statement from a licensed physician.
- (C) The manufactured home to be occupied as the temporary accessory dwelling is located on the site of an existing single-family dwelling, or on a vacant lot abutting the site of the existing single-family dwelling.
- (D) The application is consistent with the following:
 - (1) Temporary health hardship dwellings shall ~~meet the~~ be consistent with the setback and height standards of the Low Density Residential District.

Section 23. Volume 3, Development Code, Section 11.0000 is amended as follows:

Going left to right, the table includes the following information:

- o *Categories for Gresham's land use applications;*
- o *The Code citation for land use applications;*
- o *The application name;*
- o *Indication if the application requires a pre-application conference;*
- o *What type of review the application is; and*
- o *Indication of which review body has recommendation, decision or appeal authority.*

Additionally, a column has been added to this table for the Design Commission, which is being formed through a concurrent process.

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TABLE 11.0201
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
RESIDENTIAL										
10.0100	Accessory Dwelling Units	N	II	D	A					
10.0300	Ancillary Dwelling Units	N	I	D	A					
10.0410	Conversion of Elderly Housing	Y	III		D					A
10.0400	Conversion of Residential Units	N	II	D	A					
10.0502	Home Occupation	N	I	D	A					
10.0502	Home Occupation	N	II	D	A					
10.1300	Health Hardship Dwelling Unit	N	I	D	A					
4.0135	Single Family Residence/Duplex on a Tax Lot	N	I	D	A					
LOTS AND PARCELS (6.0000)										
6.0020	Condominium Creation	Y	II	D	A					
6.0200	Partition	Y	II	D	A					
6.0300	Planned Developments	Y	III		D				A	
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A					
6.0200	Subdivision - Preliminary	Y	II	D	A					
6.0001	Land Division - Final Plat	N	I	D	A					
6.0410	Extension of land use decision	N	I	D	A					
OVERLAY DISTRICTS (5.0000 and A4.000)										
5.0000	Special Purpose District Boundary Revisions	Y	III		D				A	
5.0300	Historic Landmarks									
A4.004	Removal from List	Y	II	D	A		R			

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
5.0322	Demolition of Historic Landmark	Y	III		D		R	A		
5.0321	Alteration of Historic Landmark	N	III		D		R	A		
A4.002	Addition to list	N	IV				R			D
5.0400	Natural Resource District									
5.0401	Development in transition area	Y	II	D	A					
5.0401	Development in boundaries	Y	III		D					A
5.0500	Open Space									
5.0500	Open Space Dedication, in Open Space or Natural Resource Site	N	I	D	A					
5.0500	Open Space Dedication in other areas	N	II	D	A					
5.0600	Water Quality Resource Area									
5.0603 & 5.0614	Addition of Wetland	N	I	D	A					
5.0608	Development in WQRA	Y	II	D	A					
5.0612	Minor WQRA variance	Y	II	D	A					
5.0612	Major WQRA variance	Y	III	D	D				A	A
5.0614	WQRA Map Corrections and Modifications	Y	III		D					
5.0100	Flood Plain Development Permit	Y	II	D	A					
5.0100	Flood Plain Development Permit (if restoration)	N	I	D	A					
MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations									
	Type II	N	II	D	A					
11.0217	Code Interpretation	N	I	D	A					
10.1530	Major Variance	Y	III		D					A
10.1510	Minor Variance	N	II	D	A					
11.0216	Modification to Approval (review level corresponds to original approval type)									

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
10.1521	Modification of Regulations	N	II	D	A					
TREES (9.1000 & A14.000)										
9.1010	Tree removal (street tree, parking lot tree, etc.)	N	I	D	A					
9.1010	Regulated Tree Removal	N	II	D	A					
A14.000	Significant Tree Designation	N	III		D	R				A
9.1010	Removal of Significant Tree	N	III		D					A
A14.000	Significant Tree Designation Removal	N	III		D	R				A
SITE DESIGN REVIEW (7.0000)										
7.0003	Site Design Review, Exempt (DREX)	N	I	D	A					
7.0001	Site Design Review, Minor (DRMIN)	N	II	D	A					
7.0001	Site Design Review (DR)	Y	II	D				A		
	Site Design, Design District	Y	II	D				A		
	Site Design, Design District	Y	III					D		A
7.0001	Extension of land use approval	N	I	D	A					
COMMUNITY SERVICE USES (8.0100)										
8.0110	Community Service Use	N	I	D	A					
8.0111	Community Service Use	Y	II	D	A					
8.0112	Community Service Use	Y	III		D				A	
	Minor	Y	III						D	
	Major	Y	III						D	A
TEMPORARY USES (10.1400)										
10.1401	Temporary Use Permit	N	I	D	A					
NON-CONFORMING USES (8.0200)										
8.0250	Establishment	N	I	D	A					
8.0220	Replacement	N	I, II	D	A					
8.0200	Expansion	Y	II	D	A					

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
TRANSPORTATION										
9.0700	Future Street Plans									
9.0700	In conjunction with a land division and/or site design review	Y	II	D	A					
9.0700	New future street plan, independent of other land use review	Y	III		D					A
9.0700	Revision of an approved future street plan, independent of other land use review	Y	III		D					A
9.0700	Revision in conjunction with the Community Development Plan	N	IV					R		D
OTHER										
A1.0000	Annexation	Y	IV							D
12.0000	Code or Plan Map Amendment									
12.0000	One parcel or small group of parcels	Y	III					R		D
12.0000	Large area/multiple ownerships	N	IV					R		D
11.0205	Code or Plan Text Amendment	N	IV					R		D
4.1470-										
4.1486	Master Plans	Y	III						D	A
4.1530-										
4.1535										
A6.010	Sign Permit (Design Commission review if sign is part of a project requiring Commission review)	N	I	D	A			R		
A7.000	Vacations	Y	IV						R	D
4.1432,										
4.1452,	ESRA Modification		II	D	A					
4.1572 & 4.1592	Miscellaneous Type I	N	I	D	A					

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
	Miscellaneous Type II	*	II	D	A					
	Miscellaneous Type III	Y	III		D					A
*	pre-application to be held, depending on level of review for a modification, and on nature of application for a Miscellaneous Type II permit									

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Section 11.0200
Development Procedures

11.0202 Type I Procedure - Administrative Decision

- (A) ~~The decision and appeal authority for a Type I development action are shown in Table 11.0201.~~
Type I development actions shall be decided by the Manager without public notice or public hearing. Notice of a decision shall be provided to the applicant.
- (B) A Type I decision may be appealed by the applicant in accordance with Section 11.0500.
- (C) The decision of the Hearings Officer on an appeal of a Type I decision shall be the final local decision. Any further appeal shall be to the Land Use Board of Appeals (LUBA).

11.0203 Type II Procedure

- (A) ~~The decision and appeal authorities for a Type II development action are shown in Table 11.0201.~~
Type II development actions shall be decided by the Manager.

- (D) The applicant, any person providing written comments under subsection B of this section, and any person entitled to notice of the decision may appeal this decision in accordance with Section 11.0500. ~~Type II action appeals shall be heard and decided by the Hearings Officer with the following exceptions, which shall be heard and decided by the Planning Commission:~~
- ~~(1) Appeals of Type II Land Divisions with Future Street Plans~~
 - ~~(2) Appeals of Type II Regional Shopping Center Site Design Review~~
 - ~~(3) Appeals of Type II Design Reviews in Transit Development District~~
- (F) The decision of the Hearings Officer or Planning Commission on any appeal of a Type II decision shall be the final local decision. Any further appeal shall be to the Land Use Board of Appeals (LUBA).

- (H) Type II development actions are further categorized as limited and non-limited decisions, in conformance with ORS 197.015.

2. Non-Limited land use decisions include:

- (a) A Type II Community Service Use
- (b) A Site Design Review with a Type II Community Service Use
- (c) A Type II Home Occupation
- (d) Development in the Flood Plain
- ~~(e) Accessory Dwellings~~
- ~~(f) A Health Hardship dwelling unit~~
- (g) Tree Removal not part of a subdivision, partition or site design review
- (h) A Minor Variance not part of a subdivision, partition or site design review
- (i) Expansion of a Non-conforming Use or Development
- (j) A Type II Temporary Use
- (k) A personal satellite dish or antenna
- ~~(l) Interim Office Use~~

11.0204 Type III Procedure - Quasi-Judicial Hearing

- (A) ~~The decision and appeal authorities for a Type III development action are shown in Table 11.0201.~~
~~Type III development actions shall be heard and decided by the hearings officer, with the following exceptions which shall be heard and decided by the planning commission:~~
- ~~(1) Type III Plan Map Amendments~~
 - ~~(2) Type III Community Service Uses~~
 - ~~(3) Type III Future Street Plans~~
 - ~~(4) Type III Developments in the Natural Resource District~~

- (5) Type III Special Purpose District Boundary Revisions
- (6) Type III Planned Developments
- (7) Type III Conversion of Elderly Housing
- (8) Type III Alterations or Demolition of Historic Landmark
- (9) Type III Significant Tree Designation
- (10) Type III Master Plans

- (F) A Type III decision may be appealed to the council by a party to the hearing in accordance with Section 11.0500 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties in the prior deliberations.

11.0205 Type IV Procedure - Legislative

- (A) Type IV actions are legislative. ~~The recommendation, decision and appeal authorities for a Type IV development action are shown in Table 11.0201. The planning commission shall hold a public hearing and make a recommendation to the council. The council shall hold another public hearing and make a final decision.~~
- (B) ~~The public hearing for the recommendation body before the planning commission shall be held in accordance with the requirements of Section 11.0300. The form of notice and persons to receive notice are as required by the relevant sections of this code.~~
- (C) ~~Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the recommendation body planning commission shall make findings for each of the applicable criterion.~~
- (D) ~~The council shall conduct a public hearing pursuant to Section 11.0300. At the public hearing, the staff shall review the report of the recommendation body planning commission and shall provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the recommendation body planning commission.~~
- (E) ~~To the extent that a finding of fact is required, the council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for compliance with standards if the council determines the conditions are necessary to fulfill the approval criteria.~~
- (F) ~~The council's decision shall become effective by passage of an ordinance or resolution.~~

11.0207 Determination of Proper Procedure Type

- (A) ~~The Manager shall determine the proper procedure for all development actions using Table 11.0201. If there is a question as to the appropriate type of procedure, the Manager shall resolve it in favor of the higher procedure type number.~~

PROCESSING TYPE I - IV DEVELOPMENT ACTIONS

11.0210 Pre-Application Conference and Early Neighborhood Involvement

A. Pre-application conferences are required for all reviews as indicated in Table 11.0201.

- (A) ~~The Manager will not accept an application for a development action unless the applicant has requested and attended a pre-application conference.~~
 - (1) ~~Pre-application conferences are mandatory for all Type II, Type III and Type IV reviews such as:~~
 - ~~supplemental applications under Section 11.0215;~~
 - ~~community services;~~
 - ~~land divisions;~~
 - ~~planned developments;~~
 - ~~street vacations;~~

- ~~major and minor variances;~~
- ~~annexations;~~
- ~~conversions of elderly housing;~~
- ~~future street plans;~~
- ~~Type III alterations;~~
- ~~demolition of historic landmarks;~~
- ~~Plan Map amendments;~~
- ~~development within natural resource zones;~~
- ~~development within water quality resource areas;~~
- ~~revisions of special purpose district boundaries; and~~
- ~~site design review with the exception of minor site design review that involves expansion to an existing use, or a change in use, not requiring extensive site modifications where the manager has determined that a pre-application is not warranted.~~

(2) ~~Pre-application conferences are not required for Type I reviews and resubmittal of development permit applications under Section 11.0215, and may be waived for Home Occupations and other low-level reviews when an applicant submits a waiver form for City approval.~~

- (G) ~~Applicants subject to the pre-application conference requirement of subsection 11.0210(A)(1) must contact the appropriate neighborhood association where the proposed development site is located and either meet with the neighborhood association to discuss the development proposal or obtain a waiver from the neighborhood association that no meeting is necessary. The meeting shall be held after the required pre-application conference. In the event that the neighborhood association deems a meeting necessary, the neighborhood association must schedule and hold the meeting within 30 days of the applicant's request for the meeting or waiver. The applicant or an authorized representative must attend the scheduled meeting. The applicant may not submit their application sooner than 30 days from the date of the meeting with the neighborhood association. No 30-day application delay waiting period is necessary if the applicant obtains a waiver from the neighborhood association or if the neighborhood association fails to schedule and hold the meeting within 30 days of the applicant's request. If the neighborhood association fails to schedule and hold the meeting or grant the waiver within 30 days of the applicant's request, the requirements of this subsection shall be deemed to be complied with. The purpose of the meeting or waiver requirement and the 30-day application delay requirement of this section is to allow the neighborhood association and applicant adequate time for information exchange, issue identification and mitigation, and plan and proposal modifications prior to application submittal.~~
- (H) ~~The applicable Neighborhood Association for the development site must be recognized as an active neighborhood association by the City of Gresham in order to request a meeting with the applicant under these provisions:~~
- (I) ~~To verify that the neighborhood meeting requirement of Section 11.0210(G) has been met, the applicant must obtain a copy of the meeting minutes for the meeting or a waiver from the neighborhood association that the meeting requirement is waived. If the neighborhood association does not provide either of these verification items to the applicant within 30 days of the applicant's request for meeting or waiver, or there is no active neighborhood association for the area of the site, the applicant may provide a written statement of explanation and the requirements of Section 11.0210(G) shall be deemed waived and complied with.~~
- (J) ~~When a development application proposes a new or amended street plan, and the Neighborhood Association makes a request, the City will facilitate a discussion about the Future Street Plan between the neighborhood association and the applicant.~~

11.0211 Development Permit Application

Applications for development permits shall be submitted upon forms established by the Manager. An application shall consist of all materials required by this code and may not be accepted without all of the following information:

- (H) One copy of evidence of neighborhood meeting compliance ~~or waiver~~ as identified in subsection 11.0800 subsection 11.0210(I).

Section 11.0500, Appeals

11.0520 Scope of Review

- (A) Appeals of decisions shall be before the appeal body identified in Table 11.0201. The appeal of a Type I decision shall be before the Hearings Officer and appeal of a Type II decision shall be before either the Hearings Officer or Planning Commission. These appeals shall be de novo hearings. Appeal of a Type II decision by a person providing written comments or a person entitled to notice of decision (other than the applicant) must be based on the written comments provided under Section 11.0203(B) of this Code if the action is a limited decision, or, based on statements within the notice of appeal if the action is a non-limited decision.

11.0700 Reserved for Future Code Sections

11.0800 Neighborhood Meeting

11.0801 Purpose

The purpose of the neighborhood meeting is to provide an opportunity for the applicant, surrounding neighbors, interested parties, and representatives from a recognized neighborhood association to meet and to review a development proposal and identify any associated issues. The neighborhood meeting is intended to assist the applicant with preparing an application that considers neighborhood interests and is consistent with the requirements of the Development Code to reduce the likelihood of delays and appeals. The city expects the neighbors and neighborhood association will work with the applicant to provide reasonable concerns and recommendations. The city expects that the applicant will attempt to accommodate the reasonable concerns of the neighbors and recognized neighborhood association.

11.0802 Applicability

A neighborhood meeting is required for all applications that require a pre-application conference as indicated in Table 11.0201.

11.0803 Procedures and Evidence of Compliance

The applicant shall comply with the following neighborhood meeting procedures.

A. Scheduling of Meeting

1. The neighborhood meeting shall be held after the pre-application conference and before a land use application is submitted to the City.
2. The applicant is required to hold one neighborhood meeting prior to submitting an application for a specific site. Additional meetings may be held at the applicant's discretion.
3. Applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.
4. If the development proposal is modified to an extent that it requires a new or follow-up pre-application conference with City staff, a second neighborhood meeting is required.

5. The date, time and location of the neighborhood meeting shall be coordinated with the recognized neighborhood association in which the proposal is located.
 - a. The applicant shall contact the President and Land Use Chair of the neighborhood association via email to coordinate the early neighborhood meeting. The contact information for the neighborhood association shall be obtained from the City.
 - b. The neighborhood association designees must respond within 5 business days of the request.
 - c. If the neighborhood association designees fail to respond in the time allotted, the applicant may select the date, time and location of the meeting.
 - d. The neighborhood association designees and the applicant must agree upon a date, time and location within 10 business days. If no agreement can be reached, the Manager shall decide on the date, time and location within three business days after discussions with the applicant and neighborhood association President and Land Use Chair.

B. Meeting Location and Time

Neighborhood meetings shall be held at a location in reasonable proximity to the subject site. The meeting shall be held at a location open to the public or at a public facility that is ADA accessible. The neighborhood meeting may be combined with a regularly scheduled meeting of the recognized neighborhood association in which the project is located, if feasible. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes of the scheduled starting time for the neighborhood meeting, the applicant may leave.

C. Mailed Notice

The applicant shall mail notice of the neighborhood meeting to owners of properties within 300 feet of the perimeter of the subject property, the President and Land Use Chair of any recognized neighborhood associations whose boundaries are within 300 feet of the subject property and the Manager. The notice mailed to the President and Land Use Chair of the recognized neighborhood associations within 300 feet of the subject property shall be by certified mail.

1. Notice shall be mailed at least 14 and not more than 20 calendar days prior to the scheduled neighborhood meeting.
2. An official list for the mailed notice may be obtained from the City of Gresham for the applicable fee and within 10 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Multnomah County Department of Taxation and Assessment. A mailing list is valid for use up to 45 days from the date the mailing list was generated.
3. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed development action). The description shall take into consideration information provided by city staff at the pre-application conference.
 - c. Include the website for viewing pre-application meeting notes, and the pre-application conference number.
 - d. Include the name of the neighborhood association in which the subject property is located.
 - e. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development and a conceptual site plan. The conceptual site plan shall take into consideration information provided by city staff at the pre-application conference.

4. A signed and notarized affidavit of the mailed notice is required to demonstrate compliance with this section.
5. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

D. Posted Notice

The applicant shall also provide notice of the meeting by posting a waterproof sign on the frontage of the subject property at least 14 and not more than 20 calendar days prior to the meeting. The sign and posting requirements will be provided by the City at the pre-application conference but it is the applicant's responsibility to post the sign within 30 feet of the adjacent right-of-way, viewable from the right-of-way, make sure the sign remains posted until the meeting and remove it following the meeting. A signed and notarized affidavit of the posting is required to demonstrate compliance with this section. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

E. Agenda for Meeting

At the neighborhood meeting, the applicant shall provide a conceptual site plan and describe the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities; proposed building size and height; proposed access and parking; and proposed landscaping, buffering and/or protection of natural resources. Attendees will have an opportunity to speak at the meeting and may identify any issues that they believe should be addressed.

F. Meeting Notes

The applicant shall take notes of the discussion at the neighborhood meeting, including a summary of issues raised. Notes will indicate how many people attended the meeting. Within seven (7) calendar days of the neighborhood meeting and before submitting an application to the City, the applicant shall send a copy of the meeting notes by certified mail to the President and Land Use Chair of the recognized neighborhood association in which the project is to be located. The neighborhood association may also prepare and submit notes of the neighborhood meeting. The purpose of the notes is to demonstrate that the meeting occurred.

G. Evidence of Compliance

To comply with the neighborhood meeting requirements, the following evidence shall be submitted with the application:

1. A copy of the information mailed to surrounding property owners and the recognized neighborhood association(s);
2. A copy of the mailing list used to send out meeting notices;
3. A certified mail receipt indicating mailing of the meeting notice to the President and Land Use Chair of the recognized neighborhood association(s) within 300 feet of the subject property;
4. Affidavits for the mailed and posted notices;
5. One copy of the written materials and 8 ½ x 11" plans presented by the applicant at the neighborhood meeting;
6. Notes of the meeting, including the meeting date, time and location, the names and addresses of those attending, and a summary of oral and written comments received; and
7. A certified mail receipt indicating mailing of the meeting notes to the President and Land Use Chair of the neighborhood association(s).

An application will not be accepted as complete for processing unless all of the evidence of compliance listed in (G) (1)-(7) has been submitted with the application. If no one arrived within 30 minutes of the scheduled starting time for the neighborhood meeting, the items listed in (G) (1) – (4) will provide evidence of compliance with the neighborhood meeting requirements.

Section 24. Volume 3, Development Code, Section 12.0000 is amended as follows:

12.0011 Overlay District Boundary Revisions

A special purpose district boundary may be revised as provided in this section or as part of a legislative action. The Hearings Officer ~~planning commission~~ shall review a revision of a overlay district boundary if ~~initiated by the planning commission, either on its own or at the request of the council, or upon the petition~~ of a majority of the property owners in the area proposed for change. A property owner's petition shall be filed with the Manager on a form provided by the Manager. The Hearings Officer ~~planning commission~~ shall review the proposal under a Type III procedure, with posted notice and mailed notice to owners of property within 300 feet of the area proposed for change. The Hearings Officer ~~planning commission~~ shall approve a district boundary revision if it complies with the applicable provisions of the Community Development Code.

Section 25. Volume 3, Development Code, Appendix 1 is amended as follows:

A1.003 Initiation Procedures

Initiation Procedures apply to annexation proposals except as modified by A1.004 – Expedited Annexation Procedures.

- (A) An annexation proposal may be initiated by petition of property owner(s) of the area to be annexed as set forth in this section.
 - (3) A pre-application conference pursuant to Section 11.0210 is required prior to the submittal of an annexation petition. Early neighborhood involvement as provided in Section 11.0800 ~~11.0210(G)~~ is not required. Requirements of annexation will be explained and the appropriate forms as specified in Section A1.005 will be provided.

Section 26. Volume 3, Development Code, Appendix 4 is amended as follows:

A4.001 Criteria for Designation of Historic and Cultural Landmarks

The Historic Resources Committee may recommend to the ~~planning commission~~ and to the council the designation of resources as historic or cultural landmarks. Resources designated as landmarks shall be included in the Inventory of Historic and Cultural Landmarks, adopted as an appendix to the Gresham Community Development Code, and shall be indicated on the Community Development Plan Map with an HL overlay district designation. A resource may be designated a historic or cultural landmark upon finding that at least one of the following criteria is satisfied:

A4.002 Procedure for Designation as a Historic or Cultural Landmark

- (A) Designation of a site, structure, or object as a historic or cultural landmark may be proposed by the owner, by the Committee, by the planning commission, or by the council. A proposal for landmark designation shall first be considered by the Committee. The Committee shall recommend approval, or approval with modifications, or denial of the proposed landmarks designation, and shall make its recommendation based on findings made in response to the criteria of Section A4.001. The recommendation and all findings shall be transmitted to the City Council ~~planning commission~~ and the proposal shall be processed under the Type IV procedure.

A 4.003 Review of Proposed Alterations or Demolition Affecting a Landmark

An application for a building permit for work that would affect the exterior appearance of a Class 1 landmark, or an application for a demolition permit affecting a Class 1 or a Class 2 landmark, shall be reviewed by the Committee and by the Hearings Officer hearing body. The Committee shall act to recommend approval, or approval with modifications, or denial of the proposed action, and shall make its recommendation based on findings made in response to the criteria of Sections 5.0321 or 5.0322 or 5.0323 of the Community Development Code. The recommendation and all findings shall be transmitted to the Hearings Officer hearing body and the proposal shall be processed under the Type III procedure.

Section 27. Volume 3, Development Code, Appendix 5 is amended as follows:

A5.200 - SURFACE WATER MANAGEMENT SYSTEMS

A5 201 General Provisions

B. Stormwater Quality Treatment System

- (1) The Manager shall issue a development permit only where stormwater quality treatment controls have been incorporated into site design, except for developments specified in Section 9.0520 Section A5.221.

A5 205 Drainage Management Practices

Storm drainage systems shall comply with the recommendations and requirements of accepted basin stormwater Master Plans. In the absence of a basin stormwater master plan, or where specific recommendations or requirements do not exist in an accepted master plan, or where downstream facilities are deemed inadequate by the Manager, a development may be required to employ drainage management practices which minimize the amount and rate of surface water runoff into the public stormwater system. Such storm drainage systems shall ~~be designed to comply with the Detention Requirements Drainage Management Standards of Section A5.206~~ until stormwater master plans are adopted and long-term management systems/structures are available. Drainage management practices may include, but are not limited to:

A5.206 ~~Detention Requirements~~ Drainage Management Standards

~~In basins for which a stormwater Master Plan has not been completed and accepted, or where specific recommendations or requirements do not exist in an accepted Master Plan, or where downstream facilities are deemed inadequate by the Manager, the following standards shall apply~~ Requirements for detention, in accordance with Public Works Design Standards Section 4.0000 – Storm Drainage, shall apply with the following exception:

A. Development that will add or replace less than 1,000 square feet of impervious area.

- (A) ~~Developed site peak discharges may be limited to pre-developed rates for all storm events with a recurrence interval less than or equal to 50 years. Design storm duration and recurrence interval will be determined in accordance with the Public Works Design Standards, Section 2.0000 – Storm Drainage. Approved methods to satisfy this requirement in order of preference are: infiltration, groundwater recharge where soil conditions allow, minimize impervious surface area, surface storage, and underground storage. Infiltration groundwater recharge systems will be allowed as provided for in Section A5.207.~~

- ~~(B) The applicant shall not be required to implement the above provisions if the development meets any of the following criteria:~~
- ~~(1) Land divisions of less than four lots.~~
 - ~~(2) Multi-family developments of less than four units.~~
 - ~~(3) Commercial and industrial development where the construction of a new facility or expansion of an existing facility will increase the impervious area by less than 5,000 square feet.~~

A5.207 Subsurface Storm Drainage Facilities

The requirement for public storm drains may be met by the use of private, on-site, infiltration-groundwater recharge storm water disposal under the following conditions:

- (A) A geotechnical investigation is provided which shows the suitability of the soils for the permanent use of infiltration-groundwater recharge systems. Such investigations shall include one or more in-situ, percolation tests conducted in conformance with City of Gresham requirements for such tests and as set forth in the Public Works Design Standards, Section 42.0000 – Storm Drainage.
- (B) The use of infiltration-groundwater recharge disposal will not jeopardize the implementation of a Basin Master Plan or preclude the extension of required major storm drain improvements.
- (C) The use of infiltration-groundwater recharge stormwater disposal complies with the regulatory requirements of the Oregon Department of Environmental Quality (DEQ) Underground Injection Control (UIC) Program. Refer to Chapter 340, Division 44 et. Seq. Oregon Administrative Rules, Construction and Use of Waste Disposal Wells or Other Underground Injection Activities (Underground Injection Control).

On-site systems proposed under this section shall be designed and constructed to meet public facility performance standards in accordance with the Public Works Design Standards, Section 42.0000 – Storm Drainage. Once constructed, the on-site system shall be privately owned, operated and maintained. It shall be the owner's responsibility to maintain or replace the system to prevent runoff to the public right-of-way or other properties.

A5.220 Stormwater Quality Control Requirements

Stormwater quality control requirements shall be in accordance with Sections 9.0520, 9.0521, and the Water Quality Manual.

A5.221 Applicability

The requirements of this section apply to all developments and redevelopments, with the following exceptions:

- ~~(A) All development that will ultimately increase the impervious area by less than 2,500 square feet.~~
- ~~(B) Sites where it is infeasible to install on-site stormwater quality facilities (Section 9.0525).~~
- ~~(C) Developments where the City has identified an existing public stormwater quality facility that satisfies the requirements of Section A5.223, prior to discharge to a stream or wetland.~~

A5.222 Data Requirements

All applications for development permits except those specified in Section A5.221 shall provide sufficient information for the Manager to evaluate the applicant's intent to include on-site stormwater quality controls in order to reduce or eliminate the discharge of sediments and other stormwater pollutants to the storm sewer or natural drainage channel (e.g., stream). The information shall be contained in a stormwater quality control plan, including, at a minimum:

- ~~(A) A map showing the locations of the stormwater quality facilities (including inlet and outlet structures) with relation to buildings and other structures, the storm sewer system for the site, and natural watercourses (e.g., streams, wetlands, bogs and marshes) affecting the site.~~

- (B) ~~A topographic map delineating the drainage area served by each stormwater quality facility; calculations and estimated volume to be captured and treated by each facility; the size and physical configuration (with supporting calculations) of each facility; and design details for any flow bypass or diversion devices.~~
- (C) ~~Specifications for the stormwater quality facilities, including construction and materials requirements, and manufacturer's data, as appropriate.~~
- (D) ~~A statement of the intended use of the site for full build-out conditions and the appropriateness of the selected stormwater quality facilities for treating the stormwater pollutants expected in relation to that land use.~~
- (E) ~~The maintenance methods and frequencies necessary to ensure optimum performance of the stormwater quality facilities over their projected life. Following a review of this information, the City shall work with the customer to determine maintenance responsibilities, and may require a maintenance agreement for the proposed stormwater quality facilities.~~

~~A5.223 Stormwater Quality Treatment Performance Standard~~

~~All developments except those specified in Section A5.221 shall treat 80 percent of the average annual volume of stormwater runoff for the site. This standard can be met by installing stormwater quality treatment facilities to satisfy the following design criteria:~~

- (A) ~~Detention based stormwater quality control: The required design volume for detention based control is equal to the entire runoff volume that would occur from a site with a 1.2-inch, 12-hour storm. The draw-down time for the entire volume must be greater than or equal to 48 hours. For the lower half of the detention volume, the draw-down time must be greater than 36 hours. Additional design criteria for inlet and outlet spacing and design, as well as guidelines for calculating volumes, are contained in the Public Works Standards.~~
- (B) ~~Flow-through based stormwater quality control: the required design flow rate for treatment is the runoff that would be produced from a rainfall intensity of 0.2 inches/hour for on-line facilities, and 0.11 inches/hour for off-line facilities. This rate must be maintainable for a minimum of three hours. Additional design criteria for flow calculation, as well as specific treatment criteria for various types of stormwater facilities (e.g., infiltration and stormwater filters), are contained in the Public Works Standards.~~
- (C) ~~Combination detention based and flow-through based stormwater quality control: Detention facilities may be combined with flow-through facilities. The applicant must show that the combined system could sufficiently treat stormwater runoff for the runoff produced by the flow-through treatment rates of 0.2 inches/hour (on-line facilities), occurring for a three hour period.~~

~~Stormwater quality facilities shall be selected for the site which are appropriate to treat expected stormwater pollutants based on the intended use of the site under full build-out conditions.~~

~~A5.224 Stormwater Quality Facilities~~

~~Developments which minimize impervious surfaces and protect natural vegetated areas on-site will reduce the amount of stormwater runoff which needs to be captured and treated, thereby reducing the size and/or number of stormwater quality facilities needed. Stormwater quality treatment methods and facilities acceptable in the City of Gresham generally include:~~

- (A) ~~Detention and sedimentation: Detention of stormwater runoff allows for the settling of fine particles and sediment, and the pollutants associated with these particles.~~
- (B) ~~Filtration: Filtration of stormwater is provided by flowing water through various types of media, such as vegetation, sand or synthetic materials, which adsorb and filter out pollutants.~~
~~Retention/Infiltration: Retention or infiltration facilities allow for temporary storage and disposal of stormwater by allowing the water to percolate into the ground.~~

- (C) — Oil and Water Separation: Various types of commercially available oil and water separators, also known as oil and grease separators, use sedimentation, separate chambers, baffles and/or plates to separate water from oil products.

Different types of stormwater facilities can be combined to meet the performance standard of Section A5.223. Other stormwater quality facilities not included in the above list may be adopted by City Council with the Public Works Standards. Design and performance criteria for acceptable stormwater quality facilities are contained in Section 2.0070 of the Public Works Standards.

~~A5.225—Pretreatment for Stormwater Quality Infiltration Systems~~

~~When proposed for use as a stormwater quality facility, infiltration systems shall include appropriate pretreatment to remove pollutants expected from the intended use of the site under full build-out conditions. Pretreatment can include any of the facilities specified in Section A5.224 except infiltration facilities. Use of infiltration systems shall depend on results of tests specified in Section 2.0046 of the Public Works Standards.~~

Section 28. Volume 3, Development Code, Appendix 6 is amended as follows:

~~A6.096—Interim Office Use~~

~~Either one free-standing or one wall sign may be installed for permitted interim office uses.~~

~~(A) Free-standing Signs:~~

- ~~(1) Area. Shall be limited to a maximum area of 32 square feet; 16 square feet per face.~~
- ~~(2) Height. Shall be limited to 8 feet above grade.~~

~~(B) Wall Signs:~~

- ~~(1) Area. Shall be limited to a maximum of 32 square feet.~~
- ~~(2) Types of Signs. Fascia, awning and painted wall signs shall be permitted.~~
- ~~(3) Height. Shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher.~~

~~(C) Illumination. Signs may have external illumination or reflective type bulbs which shall be used for indirect illumination of the display surface if properly shielded from direct glare onto streets and adjacent properties. Shall be directed away from and not be reflected upon adjacent residential premises. Shall not be illuminated between the hours of 12:00 a.m. and 7:00 a.m.~~

~~(D) Temporary Signs. Pursuant to Section A6.060, lawn signs shall be permitted. One rigid sign may be permitted on a frontage of at least 300 linear feet~~

Section 29. Volume 3, Development Code, Appendix 14 is amended as follows:

~~A14.002 Procedures for Designating, Maintaining, and De-Listing of Significant Trees and Groves~~

~~D. The Tree Preservation Committee shall complete the following steps as part of the annual review and update:~~

- ~~6. The Committee's recommendations shall be submitted to the Hearings Officer Planning Commission for review and approval pursuant to the Type III procedures.~~

First reading: September 2, 2008

Second reading and passed: October 7, 2008

Yes: Bennett, Craddick, Nielsen-Hood, Strathern, Warr-King, Widmark

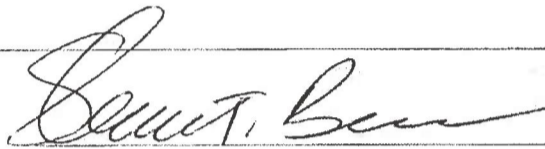
No: Bemis

Absent: None

Abstain: None



City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 3,) Order No. 605
DEVELOPMENT CODE, OF THE GRESHAM)
COMMUNITY DEVELOPMENT PLAN, RELATED TO) CPA 08-180
THE DEVELOPMENT CODE IMPROVEMENT)
PROJECT)

On September 2, 2008, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan relating to the Development Code Improvement Project.

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

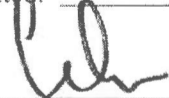
The Council closed the public hearing and approved the proposed amendments at the September 2, 2008 meeting, and a decision was made at the October 7, 2008 meeting.

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

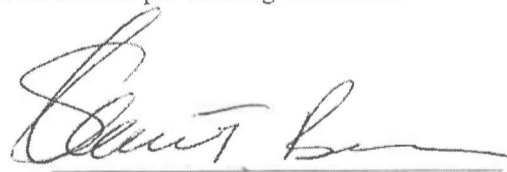
The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached Planning Commission Recommendation Order and staff reports with the following exceptions:

- 1) Levels of Review. Maintain Accessory Dwelling Units as a Type II procedure.
- 2) Early Neighborhood Notification. Require the applicant and neighborhood association to coordinate and mutually agree upon the meeting date, time and location for the early neighborhood notification meeting rather than require the applicant to offer up three, non-sequential, potential dates.
- 3) Lot Configurations. Require lots and parcels to be as rectilinear in configuration as practicable, and have no adjustments to minimum lot size for pre-existing conditions.

Dated: October 7, 2008



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 08-180

A public hearing was held on July 14, 2008, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding the **Development Code Improvement Project**.


The Commission closed the public hearing at the July 14, 2008 meeting, and a final recommendation to Council was made at the July 14, 2008 meeting.

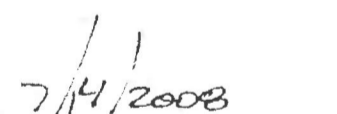
Rob Cook, Chairperson, presided at the hearing.

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

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the July 3 and July 10, 2008 staff reports with the following exceptions, additions and/or changes:

As documented on page 2 of this Recommendation Order


Chairperson


Date

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council with the following changes:

1. **Changes to Section 11.0803(A)(5)** recommended by staff so that it reads:

"The date and time of the neighborhood meeting shall be coordinated with the recognized neighborhood association in which the proposal is located.

- a. The applicant shall contact the President and Land Use chair of the neighborhood association via email with three choices of days and times for the early neighborhood meeting. No one date may be adjacent to the others. The contact information for the neighborhood association shall be obtained from the City.
- b. The neighborhood association designees must respond within 5 business days of the request with the best date of the three.
- c. If the neighborhood association designees fail to respond in the time allotted, or if an agreed upon date cannot be reached, the applicant may select the date of the meeting.
- d. The Land Use Applicant shall use the date and time supported by the recognized neighborhood association provided the association responded in the allotted time."

2. **Change Section 11.0803(C)(3)** as recommended by staff:

Add to the end of subsection (b) – "The description shall take into consideration information provided by city staff at the pre-application conference."

Add to the end of subsection (e) - "The conceptual site plan shall take into consideration information provided by city staff at the pre-application conference."

3. **Change Section 11.0803(G)(7)** as recommended by staff:

7. "A certified mail receipt indicating mailing of the meeting notes to the President and Land Use Chair of the neighborhood association(s)."

4. **Change to Section 11.0803(A)(5)(a)** - add to the end of subsection (a):

"The meeting date must be within 30 days of the initial request by the applicant."

5. **Change to Subsection 11.0803(A)(5)** to add subsection (e):

"The meeting must be agreed upon mutually within 10 business days of the first request from the applicant. If the applicant and neighborhood association cannot set a mutually agreed upon meeting, the Manager must select within three business days the date and time of the meeting after consulting with the applicant and neighborhood association."

6. **Deletion of Subsection 6.0210 (C)** regarding the 10% minimum lot size variance in order to achieve rectilinear lots

7. **Continuance** of the "placeholder" Design District definitions only to the August 11, 2008 Planning Commission meeting at 6:30 PM.

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

TYPE IV RECOMMENDATION ORDER

CPA 08-180

A public hearing was held on July 14, 2008, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding the **Development Code Improvement Project**. The hearing was continued for Design District and Design District, Site Review definitions only to the August 11, 2008 meeting.


The Commission closed the continued public hearing at the August 11, 2008 meeting, and a final recommendation to Council was made at the August 11, 2008 meeting.

Rob Cook, Chairperson, presided at the hearing.

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

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments related to Design District and Design District, Site Review definitions to the City Council, and adopts the findings, conclusions and recommendations contained in the July 10, 2008 and July 24, 2008 staff reports with the following exceptions, additions and/or changes:

NONE



Chairperson



Date



MEMORANDUM

PLANNING SERVICES DEPARTMENT

STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
DEVELOPMENT CODE IMPROVEMENT PROJECT AMENDMENTS

To: Gresham Planning Commission

From: Mike Abbaté, Planning Director
Jonathan Harker, AICP, Comprehensive Planning Supervisor
Stacy Humphrey, Special Projects Planner

Hearing Date: July 14, 2008

Report Date: July 3, 2008

File: CPA 08-26000180

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Development Code Improvement Project including provisions regarding early neighborhood notification, lot configurations, driveway lengths, height transition standards, the MDR-24 district, stormwater treatment and levels of review.

Exhibits: 'A' -- Draft Amendments to Volume 3 of the Gresham Community Development Code
'B' -- Memorandum for DES regarding Stormwater Treatment and Drainage Management Practices

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

SECTION I EXECUTIVE SUMMARY

Background

The Development Code Improvement Project began in 2007 as an initiative in the 2007 Council Work Plan. The project is a comprehensive review of Gresham's existing Development Code, which has grown increasingly complex over the past decade. In the spring 2007, staff sought the input from stakeholders such as decision makers, internal staff, neighborhood representatives and developers to identify issues with the Code. Stakeholders were asked questions about the Code and its implementation to identify key problems in working with the existing Code and to help prioritize desired improvements to the Code. The information from this outreach was summarized in June 2007 as *The Development Code Improvement Project Scoping Report*.

Based on this report, the Development Code Improvement Project (DCIP) was adopted on January 8, 2008 as part of the 2008 Council Work Plan. The purpose of the DCIP is to assess and propose revisions to the Development Code as a means to improve its effectiveness, reduce uncertainty in reading the Code, and increase consistent interpretations and applications of the Code. The initial round of DCIP comprehensive plan amendments was initiated by the City Council on May 20, 2008. This staff report and council bill covers the following issues from the DCIP work plan:

- Levels of review
- Early neighborhood notification
- Unusual lot configuration
- Driveway lengths
- Height transition standards
- Other modifications including:
 - Removal of mini-storage facilities as a permitted use in the MDR-24 district;
 - Removal of references to minor partitions; and
 - Updates to the stormwater treatment and drainage management sections.

Proposed Comprehensive Plan Amendment Overview

Text changes to the Development Code are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~ /underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview below provides a summary of changes by issue area.

Levels of review

"Levels of review" refers to how applications are reviewed and who reviews applications. Applications may be reviewed in a Type I, Type II, Type III or Type IV process, depending on the degree of discretion exercised in making the decision. Type I reviews are based on clear and objective criteria and are decided by the Planning Director. Type II decisions have more discretionary decision criteria, notice surrounding property owners, and are decided by the Planning Director. Type III reviews have discretionary decision criteria, are generally larger proposals, and are decided at a public hearing. Type IV reviews are typically legislative in nature and are decided at a public hearing. Applications may be approved by different review bodies including the Planning Director, Hearings Officer, Design Commission, Planning Commission and the City Council.

To better understand what changes are relevant to Gresham's levels of review, the City examined the practices of other jurisdictions to provide comparisons and embarked upon a Planning Commission Functional Analysis to better define the role of the Commission. Recommendations to levels of review are based on these analyses.

It is recommended to shift the level of review from a Type II to a Type I for accessory dwelling units and temporary health hardship residences. Neither of these application types requires the exercise of discretion and may be reviewed through the Type I process.

It is recommended to remove interim office uses as a use in the Development Code. This type of use has not been requested for a decade. Because this type of use is no longer requested, it is not needed in the Code. This change affects the MDR-24, CMF and MC land use districts.

The decision authority for various Type III applications is recommended to change. These recommendations are based upon the work of the Planning Commission Functional Analysis process. This process began in February 2008 when the City Council enacted changes to the Gresham Revised Code (GRC) which restructured the Council-created advisory bodies including the Planning Commission. Through this work, it was determined that a functional analysis of the Planning Commission would be instrumental in developing a statement of purpose for the Commission. The results of this functional analysis highlighted key functions of the Planning Commission: to facilitate long-range comprehensive planning and review the Community Development Plan. To implement this clarified function of the Planning Commission, Type III reviews that are related to current planning are recommended to be reviewed and decided by the Hearings Officer.

Concurrent to the Planning Commission Functional Analysis, Council directed the Planning staff to assess the need and formation of a Design Commission for the City that would likely replace the current Downtown/Civic Neighborhood Architectural Review Subcommittee. A separate process is occurring to create a Design Commission and define the scope of its review authority.

The Levels of Review changes are captured in a new proposed table in the Development Code, Table 11.0201. This Table categorizes and lists the major applications, the level of review, whether they require a pre-application conference and the review bodies involved in the application. The review bodies include any body making a recommendation, making a decision or acting on appeal.

Affected Development Code sections include: Table 4.0120, Table 4.0420, Section 4.1148, Section 4.1242, Section 4.1428, Section 4.1528, Section 5.0614, Section 8.0102, Section 9.0712, Section 9.0740, Section 10.0100, Section 10.0600, Section 10.1300, New Table 11.0201, Section 11.0200, Section 11.0500, Section 12.0011, Appendix 4.000, Appendix 6.096, and Appendix 14.002.

Early neighborhood notification

The early neighborhood notification process provides for a meeting between a land use applicant and the surrounding property owners to discuss a proposal prior to its formal submittal for City review. In the 2007 stakeholder interviews, all stakeholders agreed this current process was not meeting needs. The recommended changes to the early neighborhood notification process shift the logistical responsibilities (mailing and posting notice of a meeting, identifying a meeting location) from neighborhood associations to the land use applicant. It requires coordination between the land use applicant and the recognized neighborhood association in establishing a meeting time and date. It clarifies who receives notice of an early neighborhood meeting and what the notice must say. Last, unlike the current language on this process, the proposal ensures that an early neighborhood meeting occurs even if the neighborhood association is inactive.

Affected Development Code sections include: Section 9.0713, Section 11.0210, Section 11.0211, Section 11.0800, and Appendix 1.003.

Unusual lot configuration

Currently, the Development Code does not address the configuration of created lots and parcels in a way that requires them to have a logical configuration. This change will require that new lots and parcels be rectilinear in shape. It also recognizes that for some tracts, there may be pre-existing conditions - such as the location of a residence - that limit the ability to divide in a rectilinear fashion. For these unique instances, a minor adjustment of 10 percent of the minimum lot size may be sought, provided that the maximum density is not exceeded.

Affected Development Code sections include: Section 3.0010, Section 6.0011, and Section 6.0210.

Driveway lengths

This change will increase the minimum garage setback from 18 to 20 feet in most residential districts. This will enable new construction to better accommodate a variety of vehicle sizes.

Affected Development Code sections include: Table 4.0130(E), Section 4.0140, Table 4.0430, Table 4.1408 B, Table 4.1508(cont) and Table 7.0201(M)(3)(a).

Height transition standards

Height transition standards exist to reduce the visual and solar impact of the height of new buildings on residential buildings located on adjoining lots. It applies to construction for most land use districts when they abut the LDR or the TLDR district. Some of the current Code language on these standards is vague or subject to interpretation. The changes to this Code section remove extraneous language from the Height Transition Standards section of the Development Code. It also updates the diagrams used to describe the application of the standards.

Affected Development Code sections include: Section 3.0010, Table 4.0130, Table 4.0130(E) and Section 9.0600.

Mini-storage facilities in the MDR-24 district

Mini-storage facilities are stand-alone structures containing separate storage spaces of varying sizes rented on an individual basis. It is recommended to remove this use as a permitted use in the MDR-24 district. The purpose of the MDR-24 district is to provide for attached housing.

Affected Development Code sections include: Table 4.0120, Table 4.0130 and Section 4.0138.

Stormwater treatment and drainage management

The Department of Environmental Services (DES) has proposed lowering thresholds for exemption for stormwater treatment activity from 2,500 square feet to 1,000 square feet of impervious surface. Thresholds for exemption for detention activity are proposed to be reduced from 5,000 square feet to 1,000 square feet. The change also clarifies that such efforts are required not only for increased impervious area, but also for replaced impervious areas. Last, references to the Water Quality Manual are clarified. See Exhibit B for more information from DES.

Affected Development Code sections include: Section 3.0010, Section 5.0210, Section 9.0500, and Appendix 5.200.

Other Changes

In addition to the specific changes listed above, the reference to 'minor' partitions is proposed for removal. The distinction between a 'minor' and 'major' partition was removed from the Code by a previous comprehensive plan amendment. However, all references to this distinction were not removed at that time. This recommendation removes them.

Staff Report Organization

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles that apply to the proposal.
- Section V contains specific findings of fact that detail how the proposal is consistent with Sections II through IV:
 - Subsection A is findings of fact for the Community Development Plan procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the UGMFP Titles.
- Sections VI and VII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.
- Exhibit 'B' is a memorandum from the Gresham Department of Environmental Services regarding stormwater treatment and detention management.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

Section 11.0400	Legislative Actions
Section 11.0205	Type IV Procedure – Legislative
Section 11.0300	Public Deliberations and Hearings

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES**

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.221	Natural Resources, Fish and Wildlife Habitat, Water Resources and Ecologically and Scientifically Significant Areas
Section 10.232	Water Resources Quality
Section 10.333	Stormwater Management Systems

**SECTION IV
APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES**

Title 8	Compliance Procedures
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**SECTION V
FINDINGS OF FACT**

The proposed Community Development Plan amendments attached as Exhibit 'A' are consistent with all applicable procedures, goals and policies of the Community Development Plan and applicable titles of the Metro Urban Growth Management Functional Plan as indicated in the following findings.

A. Community Development Code Procedures

1. **Section 11.0400 - Legislative Actions.** This section requires that an amendment to the Community Development Code and the Community Development Plan be a legislative action under the Type IV Procedure pursuant to this section. This section applies to this proposal, as it is an amendment to the Community Development Code and the Community Development Plan.
2. **Section 11.0205 - Type IV Procedure - Legislative.** This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission and Council will make findings for each of the applicable criteria. The section also provides for a hearing process consistent with Section 11.0300. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal. Findings are made for the applicable criteria in this report or as revised in the record.
3. **Section 11.0300 – Public Deliberations and Hearings.** For a Type IV Comprehensive Plan Amendment this section requires that hearings be scheduled, a notice published in a newspaper of general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the Gresham Outlook, as required by this section. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

Additionally, a Measure 56 notice was distributed as part of this Hearing. Measure 56, contained in ORS 227.186, requires that a city send a notice between 40 and 20 days before the first evidentiary hearing to

all property owners in land use districts where the proposed change may affect the permissible uses of the property. Because the Interim Office Use is proposed for removal for the Development Code, a Measure 56 notice was sent to all property owners in affected districts – MDR-24, CMF and MC. Because mini-storage facilities are proposed for removal as a permitted use in the MDR-24 district, a Measure 56 notice was sent to all property owners in the district. The Measure 56 notice was sent on June 23, 2008, no sooner than 20 days before the first evidentiary hearing.

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

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

1. General Goals & Policies

Section 10.014 Land Use Policies and Regulations *Section 1. Land Use Policies and Regulations.*

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

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

Policy 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 they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules and regional requirements.

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

Findings

The City of Gresham began the process of identifying projects for Development Code improvement during the spring 2007. At that time, staff worked with a consultant and various stakeholders including decision makers, staff, neighborhood advocates and developers to identify components of the Development Code that needed to be updated. Additionally, some issues have been raised by the public to the City Council and were also considered for this phase of Code Improvement.

The Development Code Improvement project proposes revisions to the Development Code to improve its effectiveness, reduce uncertainty in reading the code, and increase consistent interpretations and applications of the Code.

The height transition standards, lot configurations and the removal of mini-storage facilities as a permitted use in the MDR-24 district speak to compatibility between new and existing development. Further, the re-evaluation of how the early neighborhood notification process works enables a broader community dialogue on how a proposed new development fits into and is compatible with the existing urban fabric.

Issues related to Development Code Improvement have been discussed with the City Council on November 6, 2007, February 19, 2008, April 15, 2008 and June 17, 2008. The Council found that it would be in the overall best public interests to initiate the Code Amendment. The Council initiation took place on May 20, 2008.

Conclusion

Policy 2 is addressed by the proposed amendments that ensure that the Development Code regulations implement the Comprehensive Plan.

Policy 9 is addressed by ensuring compatibility in height and lot configuration between new and existing developments.

Policy 20 is met by addressing Development Code improvements and engaging stakeholders in a conversation about how the Code meets community needs.

Policy 21 was addressed by the Council initiation on May 20, 2008 of the legislative process.

Goal 10.014 is addressed by these proposed amendments that clarify and revise regulations so the Development Code may be consistent with Comprehensive Plan.

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

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

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

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

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.

The issues that have led to the proposed code amendments were identified during City-initiated scoping work begun in the spring of 2007. Since that time, City staff has led a robust public outreach campaign to share information with stakeholders and other interested parties:

- City staff have met with the Neighborhood Coalition in March and June 2008.
- City staff have met with the Development Group in March and June 2008.
- Two public workshops were held in June 2008 to gain public feedback on the proposal.
- Project information has been available on the website and the Planning Services office.
- Staff distributed information on the project at the Farmers' Market on May 31, 2008.
- Information on the project has been made available at other Comprehensive Planning workshops.
- The Ask Gresham tool has been used extensively to alert interested parties when new materials are available on the website and when upcoming meetings will occur.
- Articles on the project have been published in the Neighborhood Connections newsletter, Gresham newsletter and the Council Connections.

A Measure 56 notice was sent on the proposed code amendments on June 23, 2008. A Measure 56 notice is required since it is proposed to remove mini-storage facilities as a permitted use in the MDR-24 district and interim offices uses as a permitted use in the MDR-24, CMF and MC districts. As of July 2, 2008, thirteen people have contacted the city to learn more about the proposal and how it may affect them.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on January 28, 2008, March 10, 2008, May 12, 2008 and June 9, 2008.

Specific to changes related to stormwater and detention, the city's public involvement process for the proposed code changes included direct mail to all holders of the city's *Public Works Standards*; placement of legal notices in the *Oregonian* (in the "Notices" and "Metro East" sections); and placement on the city's web site in the "What's New" section of the home page.

Conclusion

Policy 1 is addressed through the on-going effort to gain input from stakeholders and the public on Code Improvement. This includes workshops, mailings, e-mails, presentations at the Planning Commission and City Council and other outreach efforts.

The *Citizen Involvement Goal (10.100)* is met by the combination of workshops, mailings and meetings as well as providing information on the proposal on the City website.

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

**3. Areas Subject to Natural Hazards Goals and Policies
Environmental Quality Goals and Policies
Stormwater Management Systems Goals and Policies**

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

Policy: The City shall assist in protecting the quality and quantity of the following resources:

1. Fish and wildlife habitats.
2. Water resources.

Section 10.232 Water Resources Quality

Goal: Prevent surface and ground water pollution and improve water quality.

Policy 1: The City shall require new development to comply with all land use regulation and other standards necessary to properly manage surface water quality and quantity.

Policy 2: The City shall ensure, through coordination with the Oregon Department of Environmental Quality (DEQ), that existing and future land uses with the potential for water discharges, comply with state and federal water quality standards.

Section 10.333 Stormwater Management Systems

Goal: Improve flood protection and water quality through the construction and maintenance of the public stormwater system and preservation of natural resources, including area waterways, in compliance with applicable federal and state environmental regulations.

Policy 3: Applies to new development and redevelopment:

- i. The preferred method to manage stormwater shall be through the use of facilities that rely on infiltration, bio-retention, and other processes that mimic the natural hydrologic regime.

Findings

The proposed changes from DES to modify thresholds for exemption for stormwater treatment activity from 2,500 square feet of impervious area to 1,000 square feet of impervious area, and thresholds for exemption for detention activity from 5,000 square feet of impervious area to 1,000 square feet of impervious area help improve water quality and erosion control by having more stormwater managed on-site. Lowering the threshold means that more developments will be subject to stormwater management and detention activities. By requiring treatment and development on a higher percentage of development within the city, greater protection of water resources and overall stream health and function will be afforded.

These changes help the City make progress towards reducing stormwater pollutant effects on local streams, as well as progress towards reducing stormwater volume and velocity. It is anticipated that the *Green Development Practices Manual for Pleasant Valley and Springwater* will provide guidance citywide on meeting new standards. These changes place the City in a better position to continue to meet its National Pollutant Discharge Elimination System (NPDES) permit requirements for the future.

Conclusion

The Natural Resource, Water Resource Quality and Stormwater Management System goals and policies are addressed through the implementation of the code changes as proposed.

C. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submits the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of the compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to Metro on May 29, 2008 which was at least 45 day prior to the first evidentiary hearing of July 14, 2008. Metro has submitted no comments or request for an analysis.

City staff did not find that any other titles of the Functional Plan were affected by the proposed amendments.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing and Metro has made no comments or request on the proposal.

The proposal is consistent with Title 8.

**SECTION VI
CONCLUSION**

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

**SECTION VII
RECOMMENDATION**

Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit 'A'.

End of Staff Report



Memorandum Planning Services

To: Chair Robert Cook and Planning Commissioners

From: Jonathan Harker, AICP, Principal Planner, Comprehensive Planning Supervisor

Date: July 24, 2008

Meeting Date: August 11 2008

Subject: CPA 08-0180 Continued from July 14, 2008 Hearing regarding Design Commission related Definitions

Attachment: Map of Design Districts

The purpose of this memorandum is to recommend that the Planning Commission take action to include additional code text amendments regarding Design Commission related definitions. On July 14, 2008, the Planning Commission reviewed a staff recommendation to add definitions for Design District; Design Principals; Design Guidelines; Design Standards; and Design Districts, Site Design. The purpose was to provide placeholder Development Code definitions describing the where, what, and how the new Design Commission will address development applications. These definitions were developed through a Functional Analysis of the Design Commission process that involved Council Liaisons to the Planning Commission, the Planning Commission Chair, the Downtown and Civic Neighborhood Architectural Review Subcommittee (DCNARS) Chair, and other DCNARS members. The Planning Commission action was to recommend to the Council that they be adopted by the Council.

At staff's request, the Planning Commission continued the hearing regarding this issue only to August 11 in order to be able to consider additional modification of the definitions. On July 23, 2008, an additional meeting of the Design Commission Functional Analysis mentioned above met, considered, and then made recommendations regarding the Design District and the Design District, Site Design definitions. These proposed modifications are below and, following Planning Commission action, will be brought to the Council at their August 19, 2008, hearing on CPA 08-180 for their final decision.

If there are questions about this agenda item, please contact Jonathan Harker, AICP, Comprehensive Planning Supervisor at (503) 618-2502 or jonathan.harker@ci.gresham.or.us

Planning Services ~ City of Gresham
Phone: 503-618-2779 – Fax: 503-669-1376
www.ci.gresham.or.us/departments/planningservices/

The following is the proposed modified definitions with the language recommended at the July 14 meeting underlined and new additional language is double underlined:

Section 3.0010 – Definitions

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

Six initial design districts are generally described as:

Downtown Design District is generally all of the Downtown Plan District (DPD) lands; Station Center (SC) lands that are on the east side of Eastman north of Division and south of Burnside, and north side of Division north of the DPD; Community Commercial (CC) lands that are north of Division, north and south of Burnside and east of Eastman; Corridor Mixed Use (CMU) on both the north and south side of Burnside, east of Eastman and Transit Low Density Residential (TLDR) north of Division and south of Burnside, east of Eastman.

Rockwood Design District is generally the Rockwood Town Center (RTC) lands and the Station Center (SC) lands along the MAX line from the west City limits to Birdsdales including the SC-Ruby Junction (SC-RJ) lands.

Corridor Design District is generally those corridor districts -- Corridor Multi-Family (CMF); Corridor Mixed Use (CMU); Moderate Commercial (MC) and Community Commercial (CC) that are not included in another Design District.

Civic Neighborhood Design District is generally all of the Civic Neighborhood Plan District; Station Center (SC) lands south side of Division and west of Eastman; Community Commercial (CC) land north of Burnside and west of Eastman; and Transit Low Density Residential (TLDR) and Corridor Mixed Use (CMU) west of Eastman along Division.

Pleasant Valley Design District is generally the Pleasant Valley Town Center (TC-PV).

Springwater Design District is generally the Springwater Village Center (VC-SW) and the abutting Townhouse Residential (THC-SW) land to the east of the VC-SW.

Commentary: The Downtown Design District is intended to capture the Downtown Plan District area and nearby corridor districts. The Rockwood Design District is intended to capture the higher density areas of the Rockwood Town Center and Station Centers along the Max line between the west City limits and the Civic Neighborhood. The Corridor Design District is intended to capture multi-family, mixed-use, and commercial corridor districts that are not part of the Downtown, Rockwood, or Civic Neighborhood Design Districts. The Civic Neighborhood Design District is intended to capture the Civic Neighborhood Plan

District area and nearby Corridor Districts. The Pleasant Valley and Springwater Design Districts are as described in their respective Development Code sections. These Design District boundaries may be modified in the future as Design Principles, Guidelines, and Standards are developed for each of the design districts..

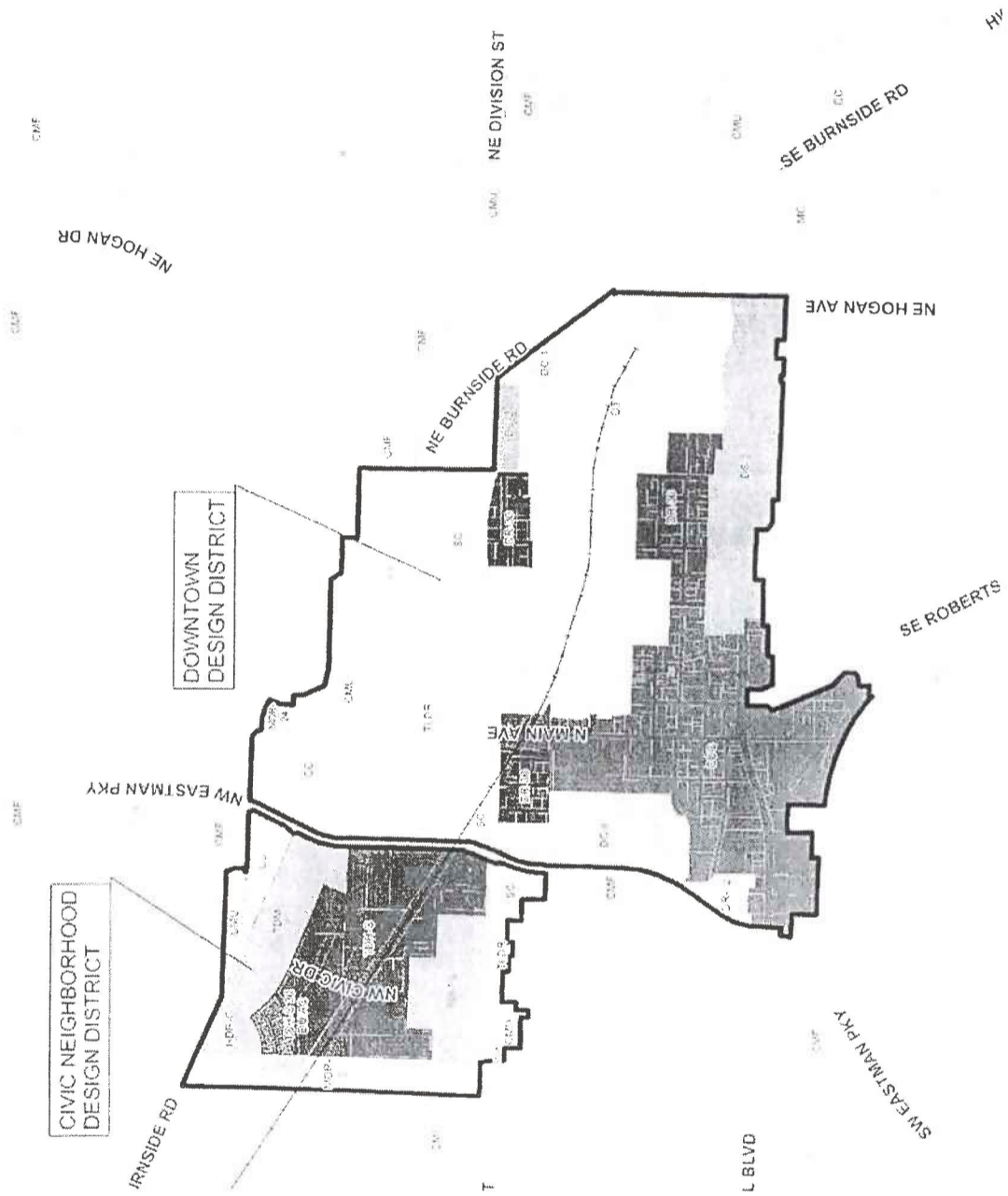
Design District, Site Design. Within a design district two options are available for site design review. One is to meet the requirements of the design standards. The second is to meet the requirements of the design guidelines. Larger developments that propose to meet the design standards or any development that proposes to meet the design guidelines will be reviewed by the Design Commission at a public hearing. Smaller developments that propose to meet the design standards are an administrative review by the Manager. Larger developments may include residential development with a threshold number of units, mixed-use and commercial development of a threshold size, and community services uses.

The initial threshold for Design Commission review authority in Design Districts is shown in Table 3.0010 - Design Commission Design Review.

Commentary: The initial thresholds established in the Table were developed as part of the Design Commission Functional Analysis group process. These thresholds generally reflect the type of developments that have been subject to review by the DCNARS in the Downtown and Civic Neighborhood areas. The threshold standards identify those developments that due to size or amount of building frontage on the street, or due to number of residential units or adjacency to single family districts, or due to the public nature of the development should be reviewed by the Design Commission at a hearing. Other development applications will be subject to the clear and objective standards but reviewed by staff. The number and type of applications that are reviewed by the Design Commission will be monitored so that thresholds can be modified in the future as the City gains experience in this new process. The threshold standards for Design Commission hearing for development when the applicant chooses the clear and objective standards track would be the same in the Downtown, Rockwood, Civic Neighborhood, Pleasant Valley, and Springwater Design Districts. It would be slightly different in the Corridor Design District by having a larger floor area threshold to recognize that Corridor Districts are not the larger pedestrian districts that occur with the other design districts. In all cases the Design Commission will hold hearings if the discretionary guidelines track is chosen.

Table 3.0010 - DESIGN COMMISSION DESIGN REVIEWS





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

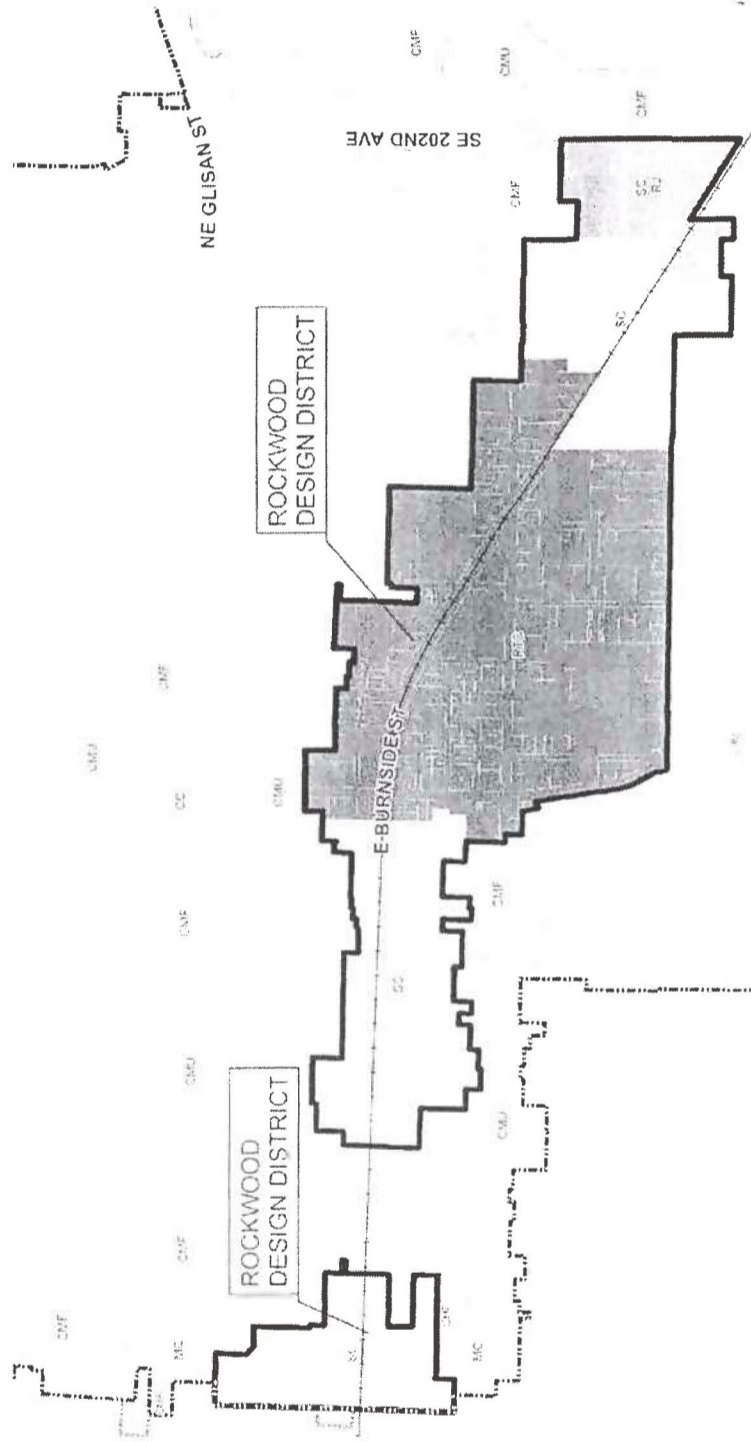


Planning Services ~ City of Gresham
Phone: 503-618-2779 – Fax: 503-669-1376
www.ci.gresham.or.us/departments/planningservices/

Gresham Design Districts










<p>Civic Neighborhood Design District</p> <ul style="list-style-type: none">  CC Community Commercial  CMU Corridor Mixed Use  HDR-C High Density Residential - Civic  MDR-C Moderate Density Residential - Civic  SC Station Centers  TDH-C Transit Development District: High Density - Civic  TDH-C 30 DU/AC  TDM-C Transit Development District: Medium Density - Civic  TLDR Transit Low-Density Residential <p>Downtown Design District</p> <ul style="list-style-type: none">  CC Community Commercial  CMF Corridor Multi-Family  CMU Corridor Mixed Use  CUC Central Urban Core  DC-1 Downtown General Commercial - 1  DC-2 Downtown Moderate Commercial - 2  DR-12 Downtown Low-Density Residential - 12  DR-30 Downtown Moderate Density Residential  DT Downtown Transit  MDR-24 Moderate Density Residential - 24  SC Station Centers  TLDR Transit Low-Density Residential 	<p>Rockwood Design District</p> <ul style="list-style-type: none">  RTC Rockwood Town Center  SC Station Centers  SC-RJ Station Center Ruby Junction Overlay <p>Corridor Design District</p> <ul style="list-style-type: none">  CC Community Commercial  CMF Corridor Multi-Family  CMU Corridor Mixed Use  MC Moderate Commercial <p>Springwater Design District</p> <ul style="list-style-type: none">  THR-SW Townhouse Residential-SW  VC-SW Village Commercial-SW <p>Pleasant Valley Design District</p> <ul style="list-style-type: none">  TC-PV Town Center-PV
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-  Light Rail Line
-  Gresham City Limits
-  Other Jurisdictions
-  County Boundary






Gresham Design Districts





Civic Neighborhood Design District

-  CC Community Commercial
-  CMU Corridor Mixed Use
-  HDR-C High Density Residential - Civic
-  MDR-C Moderate Density Residential - Civic
-  SC Station Centers
-  TDH-C Transit Development District: High Density - Civic
-  TDH-C 30 DU/AC
-  TDM-C Transit Development District: Medium Density - Civic
-  TLDR Transit Low-Density Residential













Rockwood Design District

-  RTC Rockwood Town Center
-  SC Station Centers
-  SC-RJ Station Center Ruby Junction Overlay



Corridor Design District

-  CC Community Commercial
-  CMF Corridor Multi-Family
-  CMU Corridor Mixed Use
-  MC Moderate Commercial


Downtown Design District

-  CC Community Commercial
-  CMF Corridor Multi-Family
-  CMU Corridor Mixed Use
-  CUC Central Urban Core
-  DC-1 Downtown General Commercial - 1
-  DC-2 Downtown Moderate Commercial - 2
-  DR-12 Downtown Low-Density Residential - 12
-  DR-30 Downtown Moderate Density Residential
-  DT Downtown Transit
-  MDR-24 Moderate Density Residential - 24
-  SC Station Centers
-  TLDR Transit Low-Density Residential

Springwater Design District

-  THR-SW Townhouse Residential-SW
-  VC-SW Village Commercial-SW

Pleasant Valley Design District

-  TC-PV Town Center-PV

-  Light Rail Line
-  Gresham City Limits
-  Other Jurisdictions
-  County Boundary

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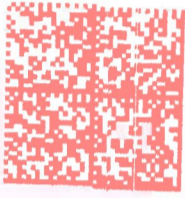
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