



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

11/18/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 005-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 04, 2013

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

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

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

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

<paa> N



FORM

2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed
DATE
STAMP

DEPT OF

NOV 14 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final**

Ordinance is signed by the public Official Designated by the jurisdiction
and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Gresham**Local file number: **CPA 12-197**Date of Adoption: **11/5/2013**Date Mailed: **11/13/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/16/2013☒ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Updates Temporary Uses in the Development Code and provides for 3 categories - Temporary, Intermittent and Interim Uses. Provides definitions and updated standards and timelines for these uses.

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

See summary of changes attached.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Metro

Local Contact: **Brian Martin, Comprehensive Planner** Phone: (503) 618-2266 Extension:
Address: 1333 NW Eastman Parkway Fax Number: - -
City: Gresham Zip: 97030- E-mail Address:
Brian.Martin@GreshamOregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



Urban Design & Planning
1333 NW Eastman Pkwy
Gresham, OR 97030

I, Tammy J. Richardson hereby certify
on November 13, 2013, I mailed the
attached Notice of Decision to the
parties noted below:

FILE NO: CPA 12-197
Temporary Uses

DLCD

Plan Amendment Specialist
635 Capitol St. NE, Ste. #150
Salem, OR 97301-2540

METRO
Growth Mgmt. Services
600 NE Grand Avenue
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Dr.
Gresham OR 97080

Julie Schedeen
845 NE 10th
Gresham OR 97030

A handwritten signature in cursive script that reads "Tammy J. Richardson".

Signed

11/13/2013

Dated



CITY OF GRESHAM
URBAN DESIGN & PLANNING
1333 NW EASTMAN PKWY
GRESHAM OR 97030

NOTICE OF FINAL DECISION

November 13, 2013

On November 5, 2013, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 646)** amending the Gresham Community Development Code regarding **Temporary Uses**.

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 12-197**, and may be reviewed at the City's Urban Design & Planning office Monday through Friday, 8:00 AM to 5:00 PM.

An appeal of this decision may be filed with the Land Use Board of Appeals (LUBA) within 21 days of this Notice of Decision. LUBA has the jurisdiction to review all governmental land use decisions. An appeal of a land use decision must conform to the procedures and requirements of LUBA. They may be contacted at:

LUBA
550 Capitol Street, NE – Suite #235
Salem, Oregon 97301-2552
(503) 373-1265

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

CB 09-13

ORDINANCE NO. 1733

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

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

SECTION 3.0100 DEFINITIONS

3.0103 General Terms and Definitions

~~Stands, Commercial.~~ Vending stands that are located outside of public right-of-way on private or public property and are subject to siting approval and a City business license. Mobile commercial stands are treated as temporary uses. Permanent commercial stands require design review. Examples of commercial stands include espresso, taco, flower, and similar stands conducting retail sales or offering goods and/or services for a fee or donation.

~~Mass Shelter.~~ A facility, or part of a facility, providing temporary sheltering for persons affected by extreme events such as fire, natural disaster, or high heat.

~~Mobile Drive-up Unit Sign.~~ For purposes of the sign regulations, a mobile drive-up unit is a vehicle such as a trailer, van or truck, used for drive-up retail trade or retail services. The unit does not have any internal floor space available for customers.

Section 3.0160 Temporary, Intermittent and Interim Uses Terms and Definitions

The following definitions apply to Section 10.1400 Temporary, Intermittent and Interim Uses.

Agricultural Products Sales. A retail sales operation for the sale of agricultural products, such as fresh fruits, produce, flowers, nursery plants and nursery trees, where more than 75 percent of the product display area is of agricultural products. Agricultural product sales typically occur in a tent, the open air or in temporary structures such as greenhouses. Exception: Farmers' Markets.

Christmas Tree Sales. A retail sales operation primarily for the sale of Christmas trees that typically occur outside a building in a tent or in the open air. Sales can also include other items, such as related holiday items and food and beverages.

Commercial Stand. The sale of goods, services or merchandise from a location outside of a building in a mobile unit, tent or in the open air where less than 50 percent of sales is a combination of food and beverages. Exceptions include garage sales; residential lemonade stands and similar short-term sales associated with residential uses; Agricultural Product Sales and Food and Beverage Carts.

Farmers' Markets. Events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food, and some may be community groups, services, or other vendors or organizations. Farmers' Markets occur on a regular basis in the same location and are open to the public.

Film Production Studios and Trailers. Mobile units or prefabricated structures for temporary use during the filming of motion pictures.

Fireworks Sales. A retail operation for the sale of fireworks that requires a state permit. The use typically occurs outside of a building in a tent or in the open air.

Intermittent Lodging. A building, or part of a building, providing temporary protective sanctuary for the homeless or victims of crime or abuse on an occasional basis during the year. Exceptions: Emergency or disaster shelters established during times of natural or man-made emergencies or disasters and Warming/cooling Shelters.

Mobile unit. A vehicle such as a trailer, van, truck or recreational vehicle.

Real Estate Sales Office. A temporary sales office, such as in a prefabricated building, mobile unit or model home, selling real property in a subdivision or on a tract of land within the city.

Special Event. A special event is a single event or a series of events anticipated to include at least 50 people not part of the normal course of business at the location as determined by the Manager. This includes festivals, circuses, concerts, exhibitions and fairs. It does not include events such as neighborhood block parties; religious services at places of worship; events at institutional campuses designed for events; events that only require a City street closure or parks permit; an outdoor commercial use in commercial locations where they are allowed; or outdoor sales displays in locations where they are allowed. Food and beverage sales are allowed as part of a special event.

Temporary Commercial, Institutional or Industrial Building. The use of a prefabricated building for conducting the affairs of a business, professional service, institution, industry or government for a limited period to accommodate construction of a new building; construction related to the renovation or expansion of an existing building or buildings; unforeseen events such as fires, windstorms or floods; or similar temporary needs as approved by the Manager. Exception: Portable classrooms.

Temporary Dwelling. Use of an existing house or a manufactured dwelling during construction of another house on the same lot or use of a manufactured dwelling on the same lot to live in temporarily because of an unforeseen event such as a fire, windstorm or flood.

Warming/cooling Shelter. A building or part of a building providing temporary sheltering for persons affected by extreme cold or high heat. Exceptions: Intermittent Lodging and emergency or disaster shelters established during times of natural or man-made emergencies or disasters.

Section 2. Volume 3, Section 4.0100 is amended as follows:

ARTICLE 4 LAND USE DISTRICTS AND PLAN DISTRICTS

SECTION 4.0100 RESIDENTIAL LAND USE DISTRICTS

Table 4.0120: Permitted Uses in the Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P	P	P	P
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Table 4.0220: Permitted Uses in the Commercial Land Use District

USES	NC
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P
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Table 4.0320: Permitted Uses in the Industrial Land Use Districts

USES	HI	GI
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P
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Table 4.0420: Permitted Uses in the Corridor Land Use Districts

USES	RTC	SC	SC-RJ	CMF	CMU	CC	MC
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P	P	P	P
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Table 4.1120: Permitted Uses in the Downtown Plan District

USES	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P	P	P	P
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Table 4.1220: Permitted Uses in the Civic Neighborhood District

USES	TDM-C	TDH-C	HDR-C	MDR-C
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P
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Table 4.1407: Permitted Uses in the Pleasant Valley District - Residential

USES	LDR-PV	MDR-PV	HDR-PV
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P
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Table 4.1420: Permitted Uses in the Pleasant Valley District Mixed Use and Employment

USES	TC-PV	NC-PV	MUE-PV	EC-PV
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P
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Table 4.1507: Permitted Uses in the Springwater District - Residential

USES	VLDR-SW	LDR-SW	THR-SW ⁶
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P
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Table 4.1507: Permitted Uses in the Springwater District Mixed Use, Employment and Industrial

USES	VC-SW	RTI-SW	IND-SW ¹⁷	NC-SW
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Temporary, <u>Intermittent & Interim</u> Uses (Section 10.1400)	P	P	P	P
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Section 3. Volume 3, Section 5.0500 is amended as follows:

SECTION 5.0500 OPEN SPACE OVERLAY DISTRICT

5.0520 Permitted Land Uses

A. The following uses are permitted in the Open Space Overlay District:

13. Temporary, Intermittent and Interim Uses (Section 10.1400)

Section 4. Volume 3, Section 9.0800 is amended as follows:

SECTION 9.0800 PARKING

Bicycle Parking Standards

9.0830 Bicycle Parking Design Standards

G. Exemptions. The following uses are exempted from Bicycle Parking requirements:

- Temporary, Intermittent and Interim Uses
- Agricultural
- Mini-storage facilities for household and consumer goods.
- Home Occupations

Section 5. Volume 3, Section 10.1400 is amended as follows:

Current language in this section is deleted in its entirety. Replacement language follows.

SECTION 10.1400 TEMPORARY USES

General

~~10.1401 Temporary Uses~~

Development Standards

~~10.1410 Standards for Temporary Uses~~

~~10.1411 Exemptions~~

~~10.1412 Renewals and New Applications~~

General

10.1401 Temporary Uses

In addition to development intended for a district, ~~Table 10.1401~~ lists the following temporary uses permitted, with maximum time limits to the temporary uses. Temporary Uses shall require the completion of a Type-I application unless otherwise specified by the Manager.

Table 10.1401 – Uses Permitted as a Temporary Use

Uses Permitted As A Temporary Use	Maximum Number of Days Allowed
A. Agricultural products sales	180
B. Christmas tree sales lots	90
C. Circuses, carnivals, animal rides, and amusement rides located in any of the following districts: Commercial Development, Mixed Use Development, or Industrial Development District or commercial or mixed use sub-district of a Plan District	90
D. Fireworks sales stands	90
E. Commercial Sales for no more than 14 consecutive days, if the proposed location is in a Commercial Development District or Mixed Use Development District or commercial or mixed use sub-district of a Plan District and a City business license is obtained.	14
F. Major festivals open to the public if located on an institutional site or facility designed to accommodate such a use or located in a public park with the approval of the Manager. Each major festival may be allowed for up to ten consecutive days.	10
G. Organized seasonal outdoor sales of plants, produce and other goods if located on a site within a Commercial, Industrial or Mixed Use Development District, or commercial, mixed use, IND-SW or RTI-SW sub-district of a Plan District, including private or public property and public right-of-way. Such sales may only be conducted on Saturdays and Sundays.	180

Table 10.1401 -- Uses Permitted as a Temporary Use

Uses Permitted As A Temporary Use	Maximum Number of Days Allowed
H. Film production studio and trailers for film personnel if located on a site within a Commercial, Industrial or Mixed Use Development District or commercial or mixed use subdistrict of a Plan District or on an institutional site.	180
I. Commercial Stands, provided the proposed location is on an existing improved site in a Commercial or Mixed Use District, the stand is mobile and not permanently fixed to the site, a City business license is obtained, separate electrical or other facilities service is not required, and, the stand does not occupy required parking, maneuvering, setback, landscaping, or pedestrian space.	180
J. Temporary Real Estate Offices.	Up to 365
K. Mass Shelters.	90
L. All of the above uses and other uses of a temporary nature that are compatible with the primary uses of the district, as determined by the Manager under the Type II procedure.	Up to 365

Development Standards

10.1410 Standards for Temporary Uses

The Manager may impose conditions on any approval intended to minimize adverse impacts created by the use on surrounding property and uses. The Manager may also require a Guarantee of Completion equal to 110% of the estimated cost of returning the property to a neat and orderly condition to ensure that any property used will be left in a neat and orderly condition after the use terminates.

10.1411 Exemptions

Temporary uses shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities.

10.1412 Renewals and New Applications

A new temporary use permit for renewal of the same activity on the same site may be approved upon new application immediately after the expiration date of a previously approved temporary use permit. A temporary use permit for a new or different activity on a site may be approved upon new application immediately for a new temporary use or as of the expiration date of a previously approved temporary use permit.

SECTION 10.1400 **TEMPORARY, INTERMITTENT AND INTERIM USES**

General

This section applies to Temporary, Intermittent and Interim Uses.

10.1401 Temporary Uses

Temporary uses are characterized by their short-term or seasonal nature.

10.1402 Intermittent Uses

Intermittent uses are characterized by their short-term or seasonal nature, although they occupy a site occasionally rather than continuously.

10.1403 Interim Uses

Interim uses can be seasonal or long-term uses that can occupy the site continuously on an interim basis until the site is developed more intensely or with permanent structures/uses.

Definitions for Temporary, Intermittent and Interim Uses are found in Article 3, Section 3.0160.

Permitted Uses

10.1420 Permitted Temporary, Intermittent and Interim Uses

Table 10.1420 identifies where Temporary, Intermittent and Interim Uses are allowed. They are allowed in addition to the uses normally allowed in the underlying land-use district.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.

Table 10.1420: Where uses are permitted

	<u>Low-density residential districts ¹</u>	<u>Multi-family districts ²</u>	<u>Commercial and mixed-use districts ³</u>	<u>Industrial districts (GI, HI, RTI-SW, IND-SW)</u>	<u>Sites of approved institutional uses ⁴</u>
<u>Temporary Uses:</u>					
<u>Agricultural Product Sales, Short Term</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Christmas Tree Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Stands, Short Term ^{5, 6}</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>L</u>
<u>Film Production Studios and Trailers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Fireworks Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Real Estate Sales Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>
<u>Special Events</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Temporary Commercial, Institutional or Industrial Building</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Temporary Dwelling</u>	<u>P</u>	<u>L ^a</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Other Temporary Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Intermittent Uses:</u>					
<u>Intermittent Lodging</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>
<u>Special Events</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>

	<u>Low-density residential districts ¹</u>	<u>Multi-family districts ²</u>	<u>Commercial and mixed-use districts ³</u>	<u>Industrial districts (GI, HI, RTI-SW, IND-SW)</u>	<u>Sites of approved institutional uses ⁴</u>
<u>Farmers' Markets</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Warming/cooling Shelters</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Other Intermittent Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Interim Uses:</u>					
<u>Agricultural Product Sales, Long Term</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial Stands, Long Term ⁵</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>L⁷</u>
<u>Other Interim Uses</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Table 10.1420 Notes:

- 1 LDR-5, LDR-7, TLDR, TR, LDR-PV, VLDL-SW, LDR-SW, THR-SW.
- 2 MDR-12, MDR-24, CME, DRI-1, MDR-C, HDR-C, MDR-PV, HDR-PV.
- 3 Includes districts that allow commercial that are not listed in footnote 1 or 2 and that are not listed as Industrial districts in Table 10.1420. These are CC, CMU, DCC, DMU, DRI-2, DTM, DEM, DCL, HDR-C, MC, MDR-C, MUE-PV, NC-PV, OFR, RTC, SC, SC-RJ, TC-PV, TDH-C, TDM-C, VC-SW, EC-PV, GC, NC, NC-SW.
- 4 Permitted uses are allowed on approved institutional sites even if they fall under another category in this table where the Temporary, Intermittent or Interim Use is not permitted.
- 5 Drive-through Commercial Stands (both long-term and short-term) are permitted only where drive-through Business and Retail Services and Trade uses are permitted.
- 6 Commercial Stands, Short Term also may be permitted as an accessory use to Christmas Tree Sales, Farmers' Markets or Special Events. When conducted as an accessory use, they are exempt from the standards specified for Commercial Stands, Short Term in Section 10.1440.
- 7 Permitted for institutions with a minimum site size of 10 acres if consistent with commercial activity allowed as part of the Institutional Classifications in Section 3.0270. For example, "support commercial" is listed as an accessory use in Section 3.0276 Schools.
- 8 Permitted on lots where a single-family dwelling exists.

Development Standards

10.1430 Standards and Review Processes

Table 10.1430 designates time limits and review processes for Temporary, Intermittent and Interim uses. Applications shall be reviewed as specified in Article 11.

- A. All Temporary, Intermittent and Interim Uses shall be required to acquire a development permit, except:
 1. Christmas Tree Sales; Commercial Stands, Short Term; and Film Production Studios and Trailers shall be required to acquire a development permit only if they:
 - a. Remain on the site more than six hours in any one day; or
 - b. More than three days in any week (Monday through Sunday).

Table 10.1430: Permit duration, renewals, review processes and additional standards

	<u>Maximum permit duration</u>	<u>Are renewals permitted?</u> ¹	<u>Review process</u>	<u>Additional standards</u>
<u>TEMPORARY USES</u>				
<u>Agricultural Product Sales, Short Term</u>	<u>90 days</u>	<u>No</u>	<u>Type I</u>	<u>Section 10.1440(B)</u>
<u>Christmas Tree Sales</u>	<u>50 days</u>	<u>No</u>	<u>Type I</u>	<u>Not applicable</u>
<u>Commercial Stands, Short Term</u>	<u>90 days</u>	<u>No</u>	<u>Type I</u>	<u>Section 10.1440(C)</u>
<u>Film Production Studios and Trailers</u>	<u>180 days</u>	<u>Yes</u>	<u>Type I</u>	<u>Not applicable</u>
<u>Fireworks Sales</u>	<u>20 days</u>	<u>No</u>	<u>Type I</u>	<u>Not applicable</u>
<u>Real Estate Sales Offices</u>	<u>1 year</u>	<u>Yes, until homes or lots are sold</u>	<u>Type I</u>	<u>Section 10.1440(D)</u>
<u>Special Events</u>	<u>14 days</u>	<u>No</u>	<u>Type I</u>	<u>Section 10.1440(E)</u>
<u>Temporary Commercial, Institutional or Industrial Buildings</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1440(F)</u>
<u>Temporary Dwellings</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1440(G)</u>
<u>Other Temporary Use</u>	<u>30 days</u>	<u>No</u>	<u>Type I</u>	<u>Section 10.1440(H)</u>
<u>INTERMITTENT USES</u>				
<u>Intermittent Lodging</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Not applicable</u>
<u>Farmers' Markets</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1450(B)</u>
<u>Special Events</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1450(C)</u>
<u>Warming/cooling Shelters</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1450(D)</u>
<u>Other Intermittent Use</u>	<u>1 year</u>	<u>Yes</u>	<u>Type I</u>	<u>Section 10.1440(E)</u>
<u>INTERIM USES</u>				
<u>Agricultural Product Sales, Long Term</u>	<u>1 year</u>	<u>Yes</u> ²	<u>Type II, new or expanding site</u> ³ <u>Type I, replacement use on previously approved site</u> ⁴	<u>Section 10.1460(D)</u>
<u>Commercial Stands, Long Term</u>	<u>1 year</u>	<u>Yes</u> ²	<u>Type II, new or expanding site</u> ³ <u>Type I, replacement use on previously approved site</u> ⁴	<u>Section 10.1460(E)</u>
<u>Other Interim Use</u>	<u>1 year</u>	<u>Yes</u> ²	<u>Type II</u>	<u>Section 10.1460(F)</u>

Table 10.1430 Notes:

- 1 For Temporary Uses, a "No" in this column refers to whether renewals are allowed for the same use on the same site during a calendar year. Applicants may apply for the use the following year. Agricultural Products Sales, Commercial Stands or Other Temporary Uses that wish to exceed the maximum permit duration may apply for an Interim Use permit.

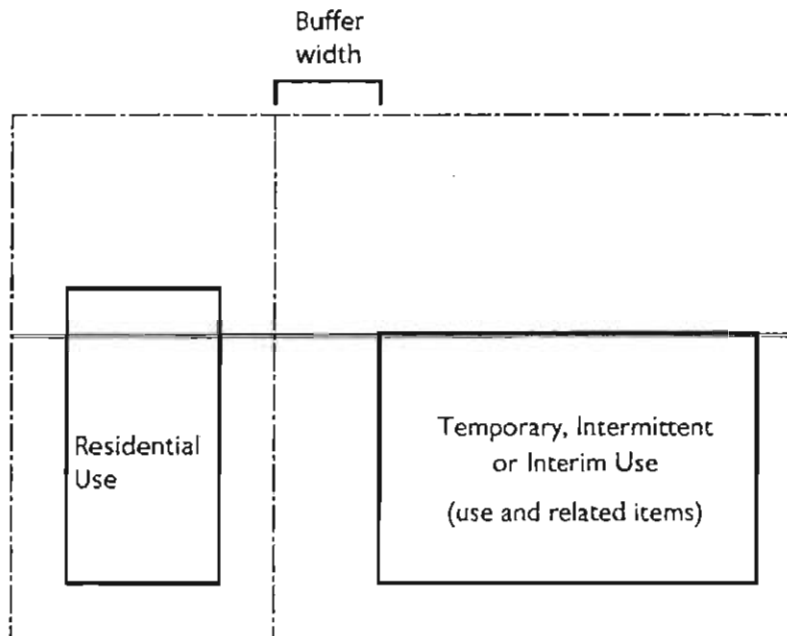
2. Interim Uses permits would renew automatically with the business license or, if no business license is required, at the one-year anniversary of when the initial Interim Use permit was issued, except when the use has been subject to a City Code Compliance enforcement action to address an uncorrected violation as provided for in Gresham Revised Code Article 7.50. Enforcement actions include but are not limited to civil penalties, citations and abatement. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II process in the same manner as an application for a new permit. In such a case, the enforcement action shall be considered during the renewal application review, such as when determining conditions of approval.
3. The initial review for Interim Uses on a site shall be a Type II review. This would apply the first time any Agricultural Product Sales or Commercial Stands, Long Term application was filed for a site. In addition, a Type II process is required if additional uses occupy the site beyond the number originally approved, such as a site adding a third Commercial Stand on a site approved for two stands.
4. For these uses, a new Agricultural Product Sales use or Commercial Stand, Long Term can replace a previously approved like use under a Type I process, as long as the permit obtained through a Type II review is active at the time of the Type I permit or was active within the last 12 months prior to the Type I permit. For example, if a Commercial Stand leaves the site, it can be replaced by another Commercial Stand using a Type I process if the Type II permit is current or was active within the last 12 months. Changing from a Commercial Stand to an Agricultural Product Sales use would require a Type II process. Applications from new owners shall comply with the latest Development Code standards.

10.1431 Standards for All Temporary, Intermittent and Interim Uses

The following standards apply to all uses in this section:

- A. Uses shall meet land-use district minimum setbacks for the site perimeter.
- B. Except for Temporary Dwellings, Intermittent Lodging and Warming/cooling Shelters, if a site where a Temporary, Intermittent or Interim Use is located abuts a lot with a residential use, the Temporary, Intermittent or Interim Use shall meet the minimum buffer width required in Section 9.0100 as shown in Table 9.0111(B). The Option 2 buffer width, when available, shall satisfy this standard. Buffer trees, shrubs and screening from that table are not required. Buffer widths shall be allowed to overlap with setback requirements.

Figure 10.431(B): Buffer Width



- C. The use shall provide adequate vision clearance as required by Section 9.0200. (Clear vision exceptions in land-use districts and Plan Districts still apply.)

- D. Ingress and egress shall be safe and adequate when combined with the other uses of the property as required by Appendix 5.
- E. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- F. Signs shall comply with applicable requirements of Appendix 6.
- G. Uses shall be required to post City Temporary, Intermittent or Interim Use permits; City business licenses; and Multnomah County Health Department food service licenses, where applicable, in a location visible to customers and/or from the street.
- H. Unless otherwise specified in this section, Temporary or Intermittent Uses shall be exempt from a finding of adequate public facilities and Interim Uses shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- I. The Manager may impose conditions on any approval intended to minimize adverse impacts created by the use on surrounding property and uses.
- J. Temporary, Intermittent and Interim Uses are exempt from land-use district density, floor-area ratio and Design District design guidelines and standards.
- K. Uses where at least 50 percent of sales is a combination of food and beverages shall not be allowed. This does not prohibit the sale of food and beverages as described in the definition for each use.

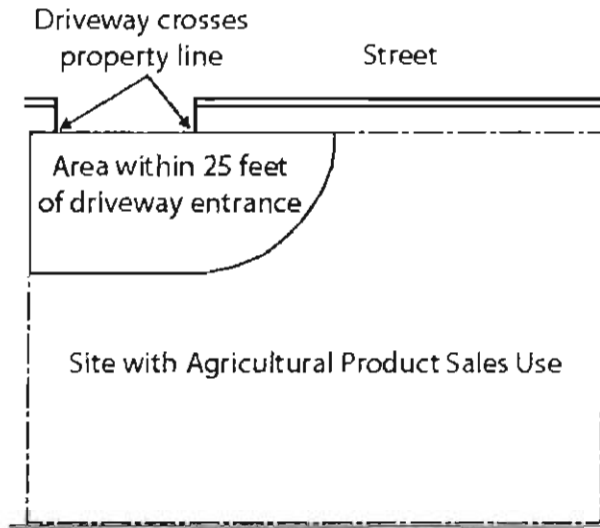
10.1432 Temporary Uses – Time Between Permits

- A. No time period is required between Temporary Use permits on sites, except:
 - 1. For Commercial Stands, Short Term and Agricultural Product Sales, Short Term, at least four calendar days shall pass between the end of one Temporary Use permit and the beginning of another at the same site; and
 - 2. For Other Temporary Uses in low-density residential and multi-family districts, at least four calendar days shall pass between the end of one Temporary Use permit and the beginning of another at the same site. This does not apply to Temporary Uses at approved institutional sites.

10.1440 Additional Standards for Temporary Uses

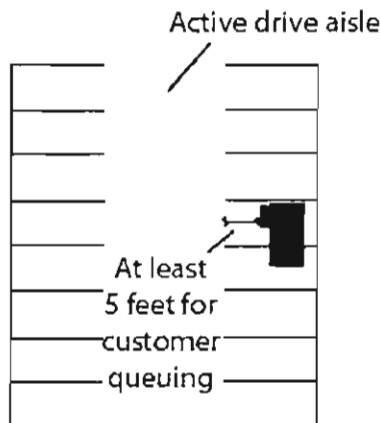
- A. Temporary Uses may occupy parking required for another use.
- B. Agricultural Product Sales, Short Term
 - 1. Tents, structures and product display or storage areas shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way, as shown in Figure 10.1440(B)(1).

Figure 10.1440(B)(1): Distance from active driveway entrance



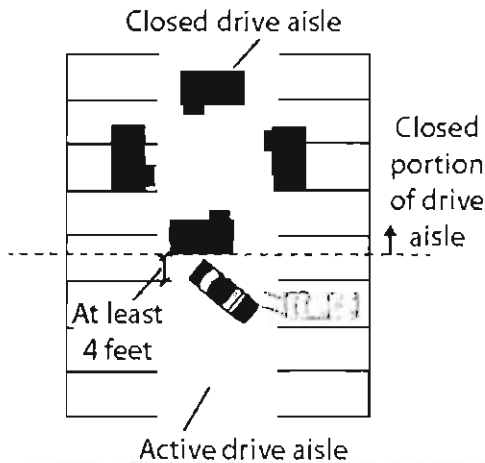
2. Shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
3. Shall provide at least 5 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point as shown in Figure 10.1440(B)(3).

Figure 10.1440(B)(3): Space between customer service point and active drive aisles



4. Shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Agricultural Product Sales may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces, as shown in Figure 10.1440(B)(4).

Figure 10.1440(B(4): Space between active parking and closed parking

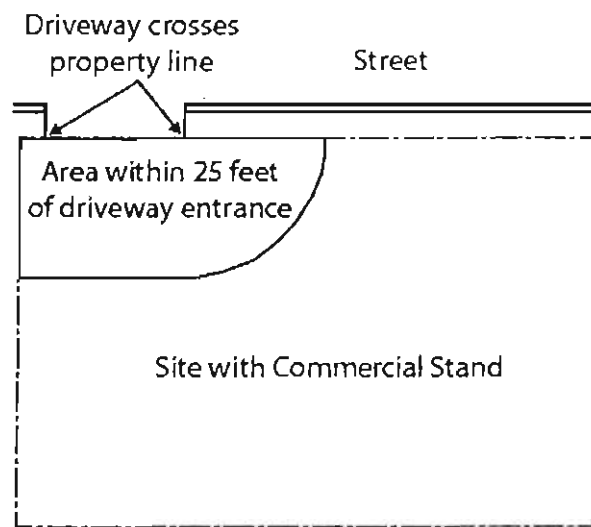


5. Shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
 - a. Significantly limit views of items within 3 feet of the ground; and
 - b. Allow views through the site between 3 and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.
6. For Agricultural Product Sales uses that have food service components, the following health and sanitation standards shall apply:
 - a. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.
 - b. Uses shall ensure the availability of a restroom with hand washing facilities for employees. Uses that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customers. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the hours of operation. Applicants shall provide the City with documentation that restrooms are available.
7. Shall not occupy pedestrian walkways or required landscape areas.
8. Drive-through Agricultural Product Sales are not allowed in low-density and multi-family residential districts as designated in Table 10.1420 and are not allowed at institutional sites in those districts. They are allowed in commercial and industrial districts where drive-throughs for Commercial Stands are allowed. They shall meet all drive-through standards applicable to Commercial Stands.

C. Commercial Stands, Short Term

1. Shall be on a paved surface such as but not limited to concrete, asphalt, pavers and other surfaces as approved by the Manager.
2. Shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way, as shown in Figure 10.1440(C)(2).

Figure 10.1440(C)(2): Distance from active driveway entrance



3. Shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
4. Shall not occupy pedestrian walkways or required landscape areas.
5. Shall provide at least 5 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point as shown in Figure 10.1440(C)(5).

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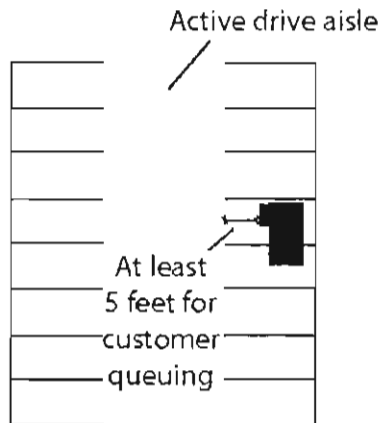
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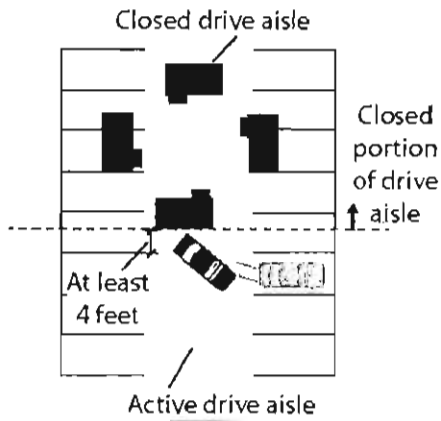
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Figure 10.1440(C)(5): Space between customer service point and active drive aisles



6. Shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Stands may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces, as shown in Figure 10.1440(C)(5).

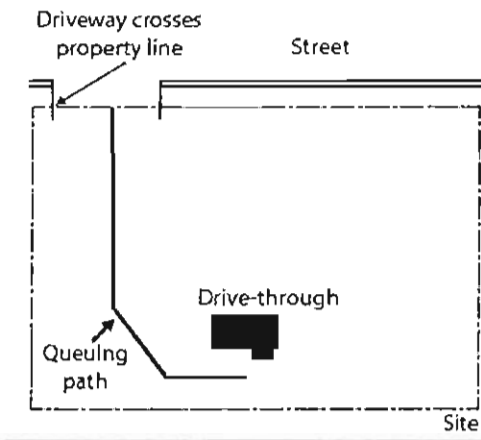
Figure 10.1440(C)(5): Space between active parking and closed parking



7. Shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
 - a. Significantly limit views of items within 3 feet of the ground; and

- b. Allow views through the site between 3 and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.
- 8. To ensure adequate distance for at least three vehicles to line up behind the vehicle ordering at the drive-through, drive-through Commercial Stands shall have at least 85 feet in queuing distance behind each drive-through window where sales occur. Required queuing distance may be increased as determined by the Manager if a change in distance will promote traffic and pedestrian safety. Queuing distance shall be measured from the rear of the service window or point of service, along the queuing path (see Figure 10.1440(C)(8)), to where the driveway from the street crosses from the right of way into the property. The measurement method can be adjusted by the Manager for unusual circumstances or if needed to meet the intent of this standard.

Figure 10.1440(C)(8): Queuing path



- 9. Drive-through stacking lanes and service areas shall not be located between the street and the Commercial Stand along Transit Streets, in Design Districts and other locations where those elements are not allowed between a building and the street.
- 10. Awnings attached to the Commercial Stand shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- 11. For Commercial Stands that have food service components, the following health and sanitation standards shall apply:
 - a. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.
 - b. Stands shall ensure the availability of a restroom with hand washing facilities for employees. Stands that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customers. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the stands' hours of operation. Applicants shall provide the City with documentation that restrooms are available.

D. Real Estate Sales Offices

1. The following standards apply to temporary real estate sales offices:
 - a. The office shall be located within the boundaries of the subdivision or site in which the real property is to be sold; and
 - b. Except for model homes, the property to be used for a temporary sales office shall not be permanently improved for that purpose; and
 - c. The Manager may impose conditions regarding:
 1. Temporary utility connections,
 2. The provision of adequate parking for office employees and visitors; and
 3. The duration of time the office shall be allowed to remain on the site.

E. Special Events

1. For Special Event activities that include food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.

F. Temporary Commercial, Institutional or Industrial Buildings

1. The temporary buildings shall be associated with the primary use on the property.
2. Once a Temporary Use permit is approved for a temporary building, the applicant shall have one year to receive a Building Permit for the temporary building and the reconstruction of the primary use's building(s). The Temporary Use permit shall remain in effect as long as an active Building Permit exists for construction on the primary use's building(s) for reasons described in the "Temporary Commercial, Institutional or Industrial Buildings" definition in Article 3.
3. The temporary building shall be removed from the site within 30 days of the approval of the temporary certificate of occupancy for the primary use's building(s).
4. The temporary building shall be located within the site on which the primary use is located.
5. Temporary buildings are only allowed on sites where the primary use is already developed.
6. The temporary building shall comply with applicable Building Codes.
7. The use shall be able to be adequately served by public facilities, if applicable. The Manager may impose conditions regarding temporary utility connections.
8. The temporary building shall not be used as a dwelling or for sleeping.

G. Temporary Dwellings

1. The following standards apply for Temporary Dwellings intended for habitation during construction of another house on the same lot:
 - a. The Temporary Dwelling may remain on the site in conjunction with an active Building Permit for construction of the other house in the same lot.
 - b. The Temporary Dwelling must be removed within one month after approval of final occupancy for the new residence. A performance bond or other surety shall be posted to ensure removal of the Temporary Dwelling.
 - c. Conditions may be imposed regarding temporary utility connections as necessary to protect public health, safety or welfare.

2. The following standards apply for Temporary Dwellings intended for habitation during recovery from an unforeseen event such as a fire, windstorm or flood:
 - a. The need for the use shall be the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a pre-existing residential structure on the premises for which the permit is sought.
 - b. The use may remain on the site for the maximum amount of time needed to address the hardship but no longer than one year, with the exception that the approval may be renewed by the Manager as long as there exists an active Building Permit for repair or construction of another home on the lot.
 - c. Conditions may be imposed regarding temporary utility connections as necessary to protect public health, safety or welfare.

H. Other Temporary Uses

1. Applicants may submit applications for other temporary uses not specifically listed in this section. The uses shall:
 - a. Be an allowed use in the land-use district; or
 - b. Be of a temporary nature and not have greater negative impacts than allowed uses in the land-use district.

10.1450 Additional Standards for Intermittent Uses

- A. Intermittent Uses may occupy parking required for another use.
- B. Farmers' Markets
 1. Shall be limited to 70 days of operation per year per site.
 2. For activities that include food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.
- C. Special Events
 1. An Intermittent Special Event shall be limited to not more than two days per week (Monday through Sunday).
 2. For Special Events that provide food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.
- D. Warming/cooling Shelters
 1. Shall be approved by the City Office of Emergency Management or similar responsible City office; and
 2. Shall only provide shelter on City-designated days/nights.
- E. Other Intermittent Uses
 1. Applicants may submit applications for Intermittent Uses not specifically listed in this section. The uses shall:
 - a. Not occur more than two days in any week (Monday through Sunday); and

- b. Be an allowed use in the land-use district; or
- c. Not have greater negative impacts than allowed uses in the land-use district.

10.1460 Additional Standards for Interim Uses

A. Temporary Uses currently in operation with a valid temporary use permit as of Dec. 5, 2013, that qualify for an Interim Use permit can be approved under the standards in effect at the time their last permit prior to Dec. 5, 2013, was issued, except the following new standards apply and supersede the standards in effect before Dec. 5, 2013:

- 1. Review processes as specified in Section 10.1430; and
- 2. Section 10.1431, except for (A), (B) and (K).; and
- 3. For Agricultural Product Sales, Section 10.1460(D)(1), (3), (4) and (5); and
- 4. For Commercial Stands, Long Term, Section 10.1460(E)(4), (6), (7), and (8).

Temporary Uses currently in operation also have the option of applying under the standards in effect at the time of application. A new application on the same site, such as for a different owner, shall comply with the standards in effect at the time of application.

B. Interim Uses shall not occupy parking needed to meet the minimum bicycle or automobile parking requirement for another use under Section 9.0800. Blocking automobile access to parking spaces shall be considered occupying the spaces.

C. Uses shall not occupy required landscape or pedestrian areas.

D. Agricultural Product Sales, Long Term

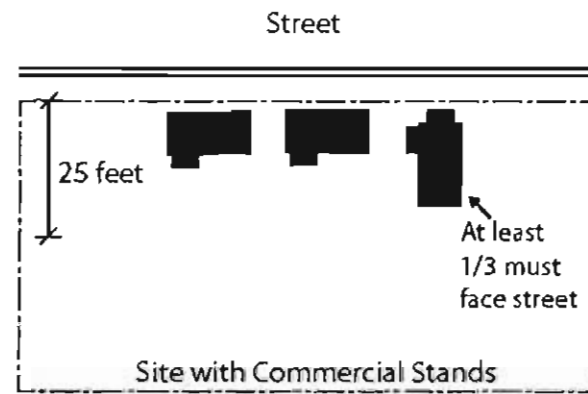
- 1. Agricultural Product Sales that are Interim Uses may sell Christmas trees during the holiday season without acquiring a separate Christmas Tree Sales permit.
- 2. Shall comply with all standards in Section 10.1440(B) for Agricultural Product Sales, Short Term.
- 3. The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Manager if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Interim Use has experienced parking or related traffic issues on the site or on adjacent blocks.
- 4. Shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the Manager may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting) shall be added that complies with the following:
 - a. At a minimum, areas intended to be occupied by customers, such as areas near service windows and customer seating, shall be illuminated when the use is in operation during hours of darkness; and
 - b. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
 - c. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and
 - d. The Manager may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.
- 5. Tents, structures and greenhouses associated with Agricultural Product Sales uses that are visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:

- a. Tents, structure and greenhouses shall not have:
 1. Missing siding, skirting or roofing; or
 2. More than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration; or
 3. Components or attachments in disrepair in a manner that causes an unsafe condition; and
- b. Tents and canopies associated with the use shall not have:
 1. Tears in the tent/canopy material that exceed 6 inches; or
 2. Mold on more than 10 percent of the material; or
 3. A lack of anchoring; or
 4. Broken or non-functioning supports.

E. Commercial Stands, Long Term

1. Shall comply with all standards in Section 10.1440(C) for Commercial Stands, Short Term.
2. Shall be on a paved surface such as but not limited to concrete, asphalt, pavers and other surfaces as approved by the Manager. If new paved surface is added to a site to accommodate a Commercial Stand, the parking area shall comply with applicable parking lot standards, including those in Section 9.0800.
3. For sites with more than one Commercial Stand, at least one-third of the stands within 25 feet of a street right of way shall have a service window or other point of service facing the street on each street frontage. If the service window or point of service faces a landscape area between the stand and the sidewalk and no sidewalk entrance is located in within 30 feet of the service window or point of service, a paved pedestrian path is required between the stand and the sidewalk. A grouping of stands can share one path.

Figure 10.1460(D)(3): Street-facing service



4. The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Manager if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Interim Use has experienced parking or related traffic issues on the site or on adjacent blocks.
5. For Commercial Stands that have a food service component, the following health and sanitation standards shall apply:

- a. If the applicant intends to contract with a third party for wastewater/graywater disposal, a copy of the contract must be provided to the City within 30 days of receiving a permit.
 - b. The City may require the food or beverage service operator to provide proof of payment or other documentation that wastewater and graywater are being disposed of properly.
 6. Shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the Manager may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting) shall be added that complies with the following:
 - a. At a minimum, areas intended to be occupied by customers, such as areas near Commercial Stand service windows and customer seating, shall be illuminated when stands are in operation during hours of darkness; and
 - b. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
 - c. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and
 - d. The Manager may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.
 7. Commercial Stands and their accessory items visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:
 - a. Stands shall not have missing siding, skirting or roofing.
 - b. Stands shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.
 - c. Stands shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
 - d. Tents and canopies associated with the stand shall not have:
 1. Tears in the tent/canopy material that exceed 6 inches.
 2. Mold on more than 10 percent of the material.
 3. A lack of anchoring.
 4. Broken or non-functioning supports.
 8. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected shall comply with Building Code anchoring and engineering standards and Fire Code standards.
- F. Other Interim Uses
1. Applicants may submit applications for other Interim Uses not specifically listed in this section.
 2. The proposed Interim Use shall:
 - a. Be an allowed use in the land-use district; or
 - b. Be of an interim nature and not have greater negative impacts than allowed uses in the land-use district.
 3. The proposal shall not have substantial adverse impacts on the City's infrastructure, including water, stormwater, wastewater, transportation, or parks systems.
 4. For purposes of the review, the application narrative shall describe the following, as applicable:

- a. The proposed use and its operations.
 - b. Location of parking and loading.
 - c. Street access points, including size, number, and location.
 - d. Hours of operation, including when certain activities are proposed to occur.
 - e. Crime prevention measures.
 - f. Environmental effects which may disturb neighboring property owners such as:
 1. Glare. This may be described in terms of location, design, intensity, orientation and shielding; and
 2. Noise; and
 3. Odors; and
 4. Dust; and
 5. Vibration.
5. The Manager may establish as a condition of approval a termination date for the Interim Use.
 6. Interim Use permits for other uses not specifically listed shall expire at the earlier of:
 - a. The expiration date established by the Manager at the time of approval; or
 - b. The occurrence of any event identified in the Interim Use permit for the termination of the use.

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Section 6. Volume 3, Section 11.0200 is amended as follows:

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
TEMPORARY, INTERMITTENT AND INTERIM USES (10.1400)										
10.1400	Temporary or Intermittent Use Permit	N	I	D	A					
<u>10.1400</u>	<u>Interim Use Permit</u>									
<u>10.1400</u>	<u>Applications for replacement Agricultural Product Sales, Long Term or Commercial Stands, Long Term at sites previously approved for that purpose</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
<u>10.1400</u>	<u>All reviews for Other Interim Uses</u> <u>Initial review for new sites for Agricultural Product Sales, Long Term or Commercial Stands, Long Term or for sites where the number of Interim Uses is proposed to exceed that previously approved</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					

Section 7. Volume 3, Appendix 6 is amended as follows:

Signs for Temporary, Intermittent and Interim Uses

A6.120 Signs for Temporary Uses

A6.061 Sign Types

- D. Banner Signs. Banner signs attached to a building wall may be permitted. Such banner signs are limited to a total of 32 square feet in area per building wall per street frontage. Banner signs shall not require a development permit, but shall conform to all other provisions of the Community Development Code. For Temporary, Intermittent and Interim Uses, see Appendix A6.120 for additional standards.

Signs for Temporary Uses

A6.120 Signs for Temporary Uses

~~Temporary uses, as allowed by Section 10.1400 of the Community Development Code, are allowed one wall sign not to exceed 32 square feet in area and one A-board sign per site frontage not to exceed 12 square feet in area. Wall signs must be affixed to a structure.~~

~~A-board signs are to be displayed only during the hours of operation. All signs shall be removed from the site within 5 days from expiration of the temporary use permit. Additional directional signage may be approved by the Manager as needed for traffic and pedestrian safety.~~

Signs for Temporary, Intermittent and Interim Uses

A6.120 Signs for Temporary, Intermittent and Interim Uses

Temporary, Intermittent and Interim Uses as allowed by Section 10.1400 of the Community Development Code shall be allowed the following signs:

- A. Temporary Uses except Temporary Dwellings and Special Events shall be allowed:
 - 1. One wall or banner sign per use per street frontage not to exceed 32 square feet each; and
 - 2. One temporary A-board or readerboard sign per use per street frontage. If more than one use occupies the same site:
 - a. The number of A-board or readerboard signs per street frontage shall not exceed three per 100 linear feet of frontage; and
 - b. The site is allowed one additional A-board or readerboard sign to act as the site sign.
- B. Temporary Dwellings shall only be permitted signage allowed other residential uses, such as with applicable standards in Sections A6.090 through A6.095 and Section 10.0500.
- C. Intermittent Uses except Farmers' Markets and Special Events shall be allowed:
 - 1. One wall or banner sign per use per street frontage not to exceed 32 square feet each; and

2. One temporary A-board or readerboard sign per use per street frontage.
- D. Farmers' Markets and Special Events:
1. The uses shall be allowed one wall or banner sign for each vendor booth or unit not to exceed 32 square feet for each sign.
 2. The uses shall be allowed other banner signs on the site not to exceed 32 square feet that comply with A6.060(A), (B) and (C). The banner signs shall not be attached to trees, shrubbery, utility poles or like items. Signs shall not obscure or obstruct permanent signs on adjacent premises.
 3. Signs shall not create a traffic hazard because of the distractive character to motorists of a sign or signs.
 4. For Intermittent Uses, signs placed under this subsection shall be removed on days when the Farmers' Market or Special Event is not occurring.
- E. Interim Uses except for Commercial Stands shall be allowed:
1. One wall or banner sign per use per street frontage not to exceed 32 square feet each; and
 2. One A-board or readerboard sign per use per street frontage.
 3. If more than one use occupies the same site:
 - a. The total number of A-board or readerboard signs per street frontage shall not exceed three per 100 linear feet of frontage; and
 - b. The site is allowed one additional banner or readerboard sign to act as the site sign.
- F. Interim Uses that are Commercial Stands shall be allowed:
1. One wall or banner sign for each side of each stand or mobile unit. Each sign shall not exceed 50 percent of the square footage of the side of the stand or unit or a maximum of 48 square feet, whichever is smaller. If the 50 percent calculation results in less than 8 square feet of signage, an 8-square-foot sign is allowed. Signs that are part of the Commercial Stand (such as vinyl wraps or signs painted on the stand) are exempt from the size limitations; and
 2. One readerboard or A-board sign per use per street frontage.
 3. If more than one use occupies the same site:
 - a. The number of readerboard and A-board signs per street frontage shall not exceed three per 100 linear feet of frontage; and
 - b. The site is allowed one additional A-board or readerboard sign to act as the site sign.
- G. All signs shall be removed from the site within 5 days after expiration of the permit.
- H. Additional directional signage may be approved by the Manager as needed for traffic and pedestrian safety.
- I. A-board and readerboard signs shall comply with applicable size and location standards in Appendix 6. If standards conflict, subsection A6.120 supersedes the other sections. A-board signs, for example, shall follow size and location requirements in Sections A6.130 through A6.132.

- J. A-board and readerboard signs shall be displayed outdoors during business hours only and shall be removed from view at the end of the business day.
- K. A-board and readerboard signs shall not extend into or over the public right of way, clear vision area or active vehicular circulation areas.
- L. A-board and readerboard signs shall not be attached to fences, trees, shrubbery, utility poles or like items and shall not obstruct or obscure primary signs on adjacent premises.
- M. A-board and readerboard signs shall not be illuminated.

A6.131 Mobile Drive-Up Unit A-Board Signs

~~Within the Neighborhood, General, Moderate, and Community Commercial Districts, on-premise A-board signs for a mobile drive-up unit shall be permitted subject to the following criteria:~~

- ~~A. There is an existing commercial building and free-standing sign on the site.~~
- ~~B. The mobile drive up unit does not exceed 200 square feet in area.~~
- ~~C. One per site street frontage.~~
- ~~D. Sign area is limited to 12 square feet per face.~~
- ~~E. May be displayed outdoors during business hours only and shall be removed at the end of the business day.~~
- ~~F. Sign shall not extend into or over the public right of way, clear vision area or vehicular circulation areas. If placed on an internal private sidewalk it shall have a minimum of 5 feet or unimpeded pedestrian sidewalk maneuvering space for accessibility.~~
- ~~G. The sign shall not be attached to fences, trees, shrubbery, utility poles or like items and shall not obstruct or obscure primary signs on adjacent premises.~~
- ~~H. Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.~~
- ~~I. Shall be non illuminated.~~

A6.1312 Residential District A-Board Signs

A6.1323 Commercial/Industrial District A-Board Signs

A6.1334 Limited Duration Event A-Board Signs

First reading: October 1, 2013

Second reading and passed: November 5, 2013

Yes: Hinton, Echols, French, Palmero, McCormick, Stegmann

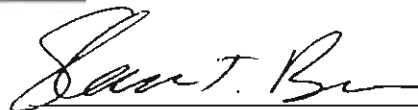
No: None

Absent: Bemis

Abstain: None

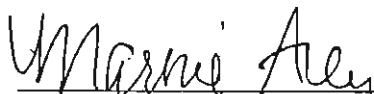


Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

Approved as to Form:



Marnie Allen
Senior Assistant City Attorney

Temporary Uses

Added the use “Agricultural Product Sales, Short Term” to the Temporary Uses list. Added a footnote that limited Commercial Stand activities at Institutional Sites to larger sites with institutional uses that already allow accessory commercial uses. Added additional standards to Agricultural Product Sales, such as to require lighting, limit effects of accessory items, encourage appropriate health and sanitation for food service components, ensure the uses do not occupy pedestrian walkway/landscape areas and prohibits drive-throughs in some situations. Clarified which standards would apply to existing Agricultural Product Sales and Commercial Stands, Long Term. For Commercial Stands, Long Term, limited structures to be used by customers to tents or canopies that comply with the Building Code and Fire Code. Clarified signage requirements and added standards that allow additional signs at Farmers’ Markets.

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME)	Order No. 646
3 DEVELOPMENT CODE OF THE GRESHAM)	
COMMUNITY DEVELOPMENT PLAN, REGARDING)	CPA 12-197
THE DEVELOPMENT CODE IMPROVEMENT)	
PROJECT AND TEMPORARY USES)	

On October 1, 2013, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan as it relates to the Development Code Improvement Project and temporary uses.

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

The Council closed the public hearing at the October 1, 2013 meeting, and a final decision was made at the November 5, 2013 meeting.

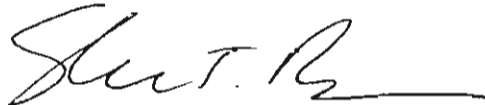
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: Nov. 5, 2013



Erik Kvarsten
City Manager



Shane T. Bemis
Mayor

BEFORE THE PLANNING COMMISSION OF THE
CITY OF GRESHAM

TYPE IV RECOMMENDATION ORDER

CPA 12-197

A Type IV Legislative Public Hearing was held on August 26, 2013, to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan related to processes and standards for **Temporary Use Permits**.

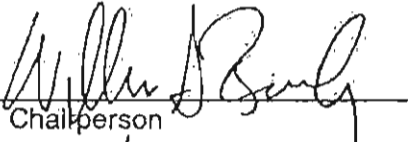
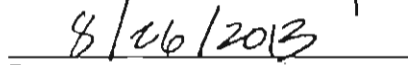
The Planning Commission closed the public hearing at the August 26, 2013 meeting, and a final recommendation was made on August 26, 2013.

William Bailey, Chair, presided at the hearing.

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

The Planning Commission recommends **Adoption** of the proposed Development Code amendment to the City Council based on the findings, conclusions and recommendations of the Staff Report and the Addendum Staff Report dated August 26, 2013, with the following changes:

No changes


Chairperson

Date

CITY OF GRESHAM

MEMORANDUM

URBAN DESIGN & PLANNING

STAFF REPORT TYPE IV HEARING — COMPREHENSIVE PLAN AMENDMENT

TEMPORARY USES CODE UPDATE

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Urban Design & Planning Director
Brian Martin, AICP, LEED AP, Associate Planner

Hearing Date: Aug. 26, 2013

Report Date: Aug. 15, 2013

File: CPA 12-197

Proposal: To adopt comprehensive plan amendments to Volume 3 (Development Code) of the Community Development Plan with text amendments relating to the Development Code Improvement Project-6 regarding Temporary Uses.

Exhibits: 'A' – Draft Amendments to Volume 3, Gresham Community Development Code

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

EXECUTIVE SUMMARY

Background

This Development Code Improvement Project (DCIP) component, which is on the 2013 Council Work Plan, seeks to address problems with the current Temporary Uses development rules and processes. The DCIP is a multi-year project to enhance the effectiveness of the Development Code.

Rules regarding temporary uses are currently found in Development Code Section 10.1400: Temporary Uses. These temporary uses include: agricultural product stands, Christmas tree sales lots, carnivals, firework stands, commercial stands, and other miscellaneous uses not intended to be permanent.

The purpose of the DCIP Temporary Uses project is to develop clear and objective standards and review processes that:

- Allow different processes and rules for different types of Temporary Uses.
- Update rules for the time, place and manner in which uses operate.
- Improve standards for use and property appearance.
- Protect public health, safety and the environment consistent with federal, state, regional and local codes.
- Provide enforceable rules that are clear to City staff and that can be clearly communicated to temporary use operators and property owners.

This project began in February 2012. The planning process followed the following steps:

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

Public input was sought at each stage of the process. This included community workshops, open houses, Development Group meetings, interviews and meetings with the Planning Commission and City Council.

Proposed Comprehensive Plan Amendment Overview

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

The proposed amendments would:

- **Use categories:** Separate uses into three categories. (Food and Beverage Carts, which are considered Commercial Stands under the current Code, are being moved to Section 10.1600: Food and Beverage Carts as part of a separate Comprehensive Plan amendment.) New categories that are part of the proposed amendments are:
 - Temporary Uses: Short-term, seasonal uses.
 - Intermittent Uses: Short-term, seasonal uses that occupy a site occasionally during the year rather than continuously.
 - Interim Uses: Seasonal or long-term uses that occupy the site continuously until a more permanent use occurs. This can mean the use remains on the site for months or years.

- **Definitions:** Provide clear definitions for each use that apply only to the Temporary, Intermittent and Interim Use section. The definitions will assist Code users in determining an application's appropriate standards and process.
- **Permitted Uses:** Clarify where uses are allowed.
- **Time limits:** Adjust time limits to more closely match how long uses occur or should occur. The new time limits also correspond to the use category, such as whether the uses are Temporary or Interim.
- **Rules for uses in all three categories:** Provide basic development rules, such as requiring setbacks from adjacent properties; providing adequate vision clearance at intersections; ensuring safe ways for cars and people to enter and exit sites; and requiring removal of the use after the permit expires.
- **Rules for specific uses:** Set development rules for individual uses based on their characteristics. Commercial Stands, for example, have different rules than Intermittent Lodging.
- **Signage:** Revise signage rules to better fit how the uses operate, such as allowing a sign on each street frontage, additional signs for Farmers' Markets and signs on each side of a Commercial Stand so customers can see the signs from the street or from inside the lot.
- **Review processes:** Update the approval and renewal processes to provide the appropriate amount of review considering the impacts and longevity of the use.
 - Temporary and Intermittent Uses will be reviewed using a Type I review, which is a staff review with no public notice required.
 - Interim Uses in most cases will receive a Type II review with public notice required.

STAFF REPORT ORGANIZATION

- Sections I and II identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section III identifies the applicable Metro Urban Growth Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section IV identifies applicable Statewide Planning Goals that apply to the proposal.
- Section V contains specific findings of fact that detail how the proposal is consistent with Sections I through III:
 - 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 Urban Growth Management Functional Plan Titles.
 - Subsection D is findings of fact for the Statewide Planning Goals.
- Sections VI and VII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code, as well as commentary. The commentary provides additional findings for this proposal.

SECTION I APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

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

SECTION II APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

- Section 10.014** Land Use Policies and Regulations
- Section 10.100** Citizen Involvement
- Section 10.415** Food Access

SECTION III APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

- Title 8** Compliance Procedures

SECTION IV STATEWIDE PLANNING GOALS

- Goal 1** Citizen Involvement
- Goal 2** Land Use Planning

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 11.0201 – Initiation of an Application*

This section provides that only the City Council may initiate a Type IV legislative application to amend the Map or Code of the Gresham Community Development Plan. This project was initiated by the City Council when it adopted the 2012 and 2013 Council Work Plans, which included the Development Code Improvement Project-6. The 2013 Council Work Plan was adopted on March 5, 2013.

2. *Sections 11.0203 and 11.0204 – Classification of Applications and Review Authorities*

These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that they generally apply to a relatively large geographic area containing many property owners. They also provide that the Planning

Commission provide a recommendation on the amendments and the City Council be the decision-making authority regarding the amendments. This project meets those conditions, is being processed under the Type IV procedures and will be heard by the City Council.

3. Section 11.0600 – Type IV Legislative Procedures

For a Type IV Comprehensive Plan Amendment, this section requires a submittal to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the Planning Commission hearing. This references a former DLCD requirement. The Department of Land Conservation and Development, in Section 660-018-0020(1), currently requires that a local government submit changes at least 35 days prior to an evidentiary hearing. The notice was sent July 16, 2013, which meets the 35-day requirement. This section also requires that hearings be scheduled, a notice published in a newspaper of general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Notice of public hearing for these proposed text amendments has been published in the Gresham Outlook as required by this section.

This section also requires that the Planning Commission hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make a recommendation, and the Council will make a decision that will be based on findings of fact contained in this report and in the hearing record. A decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

4. Section 11.1000 - Public Hearings

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

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

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

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

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

Policy 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 10: The City shall require all development to conform to site design/development standards including those necessary to accomplish the objectives of specific sub-area plans.

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

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

Findings

These general Goals and Policies establish the City's intent to use its Comprehensive Plan (Gresham Community Development Plan) as the basis for appropriate planning processes and resulting land use plans.

The proposed amendments are part of the Development Code Improvement Project, which was requested by the Gresham City Council to provide updates to Gresham's Community Development Code regarding Temporary Uses. The project was initiated by the Council by its inclusion in the 2012 and 2013 Council Work Plans. The 2013 Council Work Plan was adopted on March 5, 2013.

Gresham's Comprehensive Plan has been found in compliance with state and regional requirements, and the proposed amendments are also in compliance with Gresham's code and state and regional requirements, as described in Sections I, II, III, IV and V of this staff report.

The proposed amendments were sent to the state Department of Land Conservation and Development (DLCD) and Metro for review. The City received no communication from DLCD. The City received no comments from Metro.

The proposed amendments provide clear and complete standards for a wide variety of uses that address how and where those uses operate and encourage compatibility among the uses and adjacent properties. Standards include site design standards and rules regarding the appearance and signage allowed on various uses including Commercial Stands.

The proposed amendments were created during a planning process that involved residents, property owners, business owners, elected and appointed officials and other interested parties.

Conclusions

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

Policy 1, 2, and 21: The proposed amendments are part of the Development Code Improvement Project, which was requested by the Gresham City Council to provide an update to Temporary Uses rules and processes. The City Council initiated the project by adopting it in its 2012 and 2013 Work Plans. Gresham's Comprehensive Plan has been found in compliance with state and regional requirements, and the proposed amendments also are in compliance with Gresham's code and state and regional requirements, as described in Sections I, II, III, IV and V of this staff report. The proposed amendments were created during a planning process that involved residents, property owners, business owners, elected and appointed officials and other interested parties.

Policy 9 and 10: The proposed amendments include complete and clear standards for a variety of Temporary, Intermittent and Interim uses that in the past had few standards and standards that in some cases lacked clarity. The proposed amendments provide rules that enhance compatibility, such as setbacks.

Policy 20: The Temporary Uses section has not received significant updates for many years. The City has identified Code issues with the section, and these proposed amendments address those issues. The City's outreach included community workshops, interviews and meetings with the Planning Commission.

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

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

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

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

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

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

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

Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted decisions.

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

Policy 11: The City shall ensure that the public has complete and timely access to all public information concerning land use projects and issues. This includes private development proposals once they are in the formal application process.

Findings

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

The issues that led to the proposed code amendments were identified in consultation with staff, the Planning Commission, potential developers, property owners, Temporary Use operators and City residents.

City staff members conducted public outreach, including the following meetings:

Venue	Public workshop or open house	Planning Commission	City Council
Dates	July 11, 2012	Aug. 27, 2012	Oct. 9, 2012
	Nov. 7, 2012	Nov. 26, 2012	April 9, 2013
	Jan. 29, 2013	Feb. 11, 2013	
	June 26, 2013	July 22, 2013	

These meetings occurred during the different phases of the project.

In addition, frequent email updates were sent to 300-plus people on an interested parties email list. The emails often referenced the latest documents available, which were posted on the City's website and were available at City Hall. Staff interviewed property owners, Temporary Use operators and business owners regarding the issues and alternatives. Presentations were made to the Development Group, Historic Downtown Gresham Business Association and Rockwood Business Coalition.

The proposed amendments revise the City procedures to require Type II applications with public notice for applications that require more discretion, have potentially greater impacts and/or that will remain on the site the longest. This will ensure adequate public notice. The updated procedures will provide opportunities for meaningful public input.

Conclusion

The Citizen Involvement Goal (10.100) and its policies are met by the combination of workshops, e-mails, and meetings as well as providing information on the proposal on the City Web site. Policy 4 and 11 are met by providing procedures with meaningful public notice and input provisions.

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

Section 10.415 – Food Access

Goal: The built environment shall provide for a variety of food options accessible to residents.

Policy 4. Examine other modes of providing access to food options in a manner compatible with surrounding properties.

Findings

Allowing Agricultural Product Sales, Farmers' Markets and Commercial Stands that sell some food and beverages provides additional ways Gresham residents can gain access to food options.

Conclusion

The proposed amendments support the policy of providing additional food access options.

C. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

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

The City submitted the proposed amendments to Metro at the same time as the notice was submitted to the state Department of Land Conservation and Development. Metro has not contacted the city regarding the proposed amendments or requested an analysis.

Conclusion

The City submitted the proposed amendments to the state and Metro. Because Metro has not requested an analysis of compliance, it is assumed the proposed amendments are consistent with the Functional Plan.

D. Statewide Planning Goals

Findings

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

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

A thorough public input process was conducted in the creation of the proposed amendments, as noted in Section V.B.2 of this report.

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

Conclusion

The proposed amendments comply with Statewide Planning Goals 1 and 2.

SECTION VI CONCLUSION

The proposed Comprehensive Plan amendments attached as Exhibit 'A' are consistent with applicable Goals and Policies of the Community Development Plan, the applicable Development Code procedures of the Community Development Plan; applicable Metro Urban Growth Management Functional Plan Code; and Statewide Planning Goals as indicated by findings contained or referenced in Section V of this report.

SECTION VII RECOMMENDATION

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

End of Staff Report



MEMORANDUM

URBAN DESIGN & PLANNING

ADDENDUM TO THE STAFF REPORT TYPE IV HEARING — COMPREHENSIVE PLAN AMENDMENT DEVELOPMENT CODE IMPROVEMENT PROJECT-6

TEMPORARY USES

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Urban Design & Planning Director
Brian Martin, AICP, LEED AP, Associate Planner

Hearing Date: Aug. 26, 2013

Report Date: Aug. 26, 2013

File: CPA 12-197

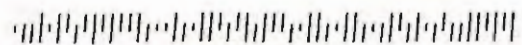
Since the staff report and Council Bill were distributed to the Planning Commission for its hearing on August 26, 2013, staff identified an omission related to one proposed amendment.

Section 5 of the Council Bill that amends Article 10.1400 lists in Section 10.1460(A)(4) the standards that apply to Commercial Stands currently in operation with a valid Temporary Use permit as of Dec. 5, 2013. Section 10.1460(E)(8) was omitted from this list of items that should apply to Commercial Stands currently operating. Section 10.1460(E)(8) provides standards for shelter provided for customers use. The standards ensure shelter is safe and attractive by requiring stands to use tents and canopies that comply with Building and Fire Codes. This will improve the safety and appearance of Commercial Stand operations in Gresham while ensuring stands with valid permits can continue to operate.

Issue: Section 10.1460(A)(4) fails to apply new standards for customer shelters to current Commercial Stands with a valid permit.

Findings: Section 10.1460(A)(4) applies new standards to current Temporary Uses operating Commercial Stands. To ensure compatibility, safety and improve appearance of existing stands while allowing them to keep operating the proposed amendments apply only a portion of the new rules to currently operating stands that have a valid permit. Section 10.1460(E)(8) was omitted from the list. It requires shelters used by customers to be tents and canopies that meet Building and Fire Code provisions, including those for anchoring, wind loads, snow loads and fire resistant materials. This will improve safety for customers. It also will improve appearance by not allowing a myriad of improvised structures that may not be solidly or attractively built. This also helps ensure compatibility with adjacent land uses and helps the City meet design goals in its Comprehensive Plan and sub-area plans.

Recommendation: Staff recommends adding Section 10.1460(E)(8) to the list in Section 10.1460(A)(4) that applies new standards to uses currently operating with a valid permit.



DEPT OF

NOV 14 2013

LAND CONSERVATION
AND DEVELOPMENT



CITY OF GRESHAM

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