

# GRESHAM OREGON

Home » City » City Departments » Urban Design and Planning » Development Planning » Development Code

- open Community Revitalization
- open Comprehensive Planning
- open Development Planning
  - o Annexations
  - o Customer Service Survey
  - o Development Planning Tools
  - o Development Code
  - o Document Library
  - o Green Practices in Gresham
  - o Land Use Districts
  - o Land Use Process & Forms
  - o Planner on Duty
  - o Trees in Gresham
- open Resources and Links
- open Contact

## Development Code

The Development Code has changed. The code on this site is effective as of January 15, 2009 and reflects the adoption of the Habitat Conservation Area. If you have questions about this please contact the [Planner on Duty](#).

A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction alteration, occupancy or otherwise only as this Code permits.

Questions about the Development Code should be directed to the [Planner on Duty](#).

- Table of Contents
- [Article I](#) Using the Community Development Code
- [Article II](#) Introductory Provisions
- [Article III](#) Definitions
- [Article IV](#) Land Use Districts and Plan Districts
- [Article V](#) Overlay Districts
- [Article VI](#) Land Divisions
- [Article VII](#) Site Design Review
- [Article VIII](#) Special Uses
- [Article IX](#) Common Requirements
- [Article X](#) Supplementary Development Regulations
- [Article XI](#) Gresham Procedural Code
- [Article XII](#) Map Amendments
- [Appendices](#)

Article I Using the Community Development Code  
Section 1.0100 How To Use The Community Development Code  
Section 1.0200 Code Amendment Reference List

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[Article II](#) Introductory Provisions

[Article III](#) Definitions

[Article IV](#) Land Use Districts and Plan Districts

- [Section 4.0100](#) Residential Land Use Districts
- [Section 4.0200](#) Commercial Land Use Districts
- [Section 4.0300](#) Industrial Land Use Districts
- [Section 4.0400](#) Corridor Districts
- [Section 4.1000](#) Plan Districts
- [Section 4.1100](#) Downtown Plan District
- [Section 4.1200](#) Civic Neighborhood Plan District
- [Section 4.1300](#) Gresham Butte Plan District
- [Section 4.1400](#) Pleasant Valley Plan District
- [Section 4.1500](#) Springwater Plan District

[Article V](#) Overlay Districts

- [Section 5.0000](#) Purpose and Authority
- [Section 5.0100](#) Flood Plain Overlay District
- [Section 5.0200](#) Hillside Physical Constraint Overlay District
- [Section 5.0300](#) Historic and Cultural Landmarks Overlay District
- [Section 5.0400](#) Habitat Conservation Area
- [Section 5.0500](#) Open Space Overlay District

[Article VI](#) Land Divisions

- [Section 6.0000](#) Introductory Provisions
- [Section 6.0100](#) Lot Line Adjustments and Lot Consolidations
- [Section 6.0200](#) Partitions and Subdivisions
- [Section 6.0300](#) Planned Developments
- [Section 6.0400](#) Land Division Final Plat Requirements

[Article VII](#) Site Design Review

- [Section 7.0000](#) Purpose and Authority
- [Section 7.0100](#) Specific Submittal Requirements
- [Section 7.0200](#) Standards and Criteria

[Article VIII](#) Special Uses

- [Section 8.0100](#) Community Services
- [Section 8.0200](#) Existing and Nonconforming Uses and Development

[Article IX](#) Common Requirements

- [Section 9.0100](#) Buffering and Screening
- [Section 9.0200](#) Clear Vision Area
- [Section 9.0300](#) Easements
- [Section 9.0400](#) Fencing
- [Section 9.0500](#) Grading and Drainage and Stormwater Quality Control Requirements
- [Section 9.0600](#) Height Transition

[Section 9.0700](#) Neighborhood Circulation and Future Street Plans  
[Section 9.0800](#) Parking  
[Section 9.0900](#) Projections  
[Section 9.1000](#) Tree Regulations  
[Section 9.1100](#) Special Studies/Reports

Article X Supplementary Development Regulations

[Section 10.0100](#) Accessory Dwellings  
[Section 10.0200](#) Residential Accessory Structures  
[Section 10.0300](#) Ancillary Dwellings  
[Section 10.0400](#) Conversions of Residential Units  
[Section 10.0500](#) Home Occupations  
[Section 10.0600](#) Reserved for Future Code Section  
[Section 10.0700](#) Mineral and Aggregate Resource Extraction  
[Section 10.0800](#) Moving of Buildings  
[Section 10.0900](#) Pot Bellied Pig  
[Section 10.1000](#) Private Communication Facilities  
[Section 10.1100](#) Shoreline Height Standards  
[Section 10.1300](#) Temporary Health Hardship Dwelling  
[Section 10.1400](#) Temporary Uses  
[Section 10.1500](#) Variance and Adjustment Procedures

Article XI Gresham Procedural Code

(Also adopted as Chapter 11 of the Gresham Revised Code)

[Section 11.0000](#) Introductory  
[Section 11.0100](#) Development Requirements  
[Section 11.0200](#) Development Procedures  
[Section 11.0300](#) Public Deliberations and Hearings  
[Section 11.0400](#) Legislative Actions  
[Section 11.0500](#) Appeals  
[Section 11.0600](#) Abatement and Penalty, Fees and Deposits  
[Section 11.0700](#) Reserved for Future Code Section  
[Section 11.0800](#) Neighborhood Meeting

Article XII Map amendments

Article XIII Appendices

[Appendix 1.000](#) Annexations  
[Appendix 2.000](#) Expanded List of Permitted Land Uses  
[Appendix 3.000](#) Guarantee of Completion  
[Appendix 4.000](#) Historic and Cultural Landmarks  
[Appendix 5.000](#) Public Facilities  
[Appendix 6.000](#) Sign Regulations and Sign Definitions  
[Appendix 7.000](#) Vacations  
[Appendix 8.000](#) Solar Access  
[Appendix 9.000](#) Station Center and Town Center Mixed Use Areas  
[Appendix 10.000](#) Regional Shopping Centers  
[Appendix 11.000](#) Gresham Civic Neighborhood Street Design Requirement Figures

[Appendix 12.000 Residential Infill Figures](#)

[Appendix 13.000 Street Naming and Property Numbering](#)

[Appendix 14.000 Significant Trees](#)

[top](#)

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[Copy](#) [Map](#) [Disclaimer](#) [Privacy](#) [Contacts](#) [Feedback](#)

2008

**Article I**  
**Using The Community Development Code**

**Section 1.0100**  
**How to Use the Community Development Code**

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A guide to using the Development Code is to be developed  
at the discretion of the City in a future phase of work.

**Section 1.0200**  
**Code Amendment Reference List**

Revised Volume 3, Gresham Community Development Code, adopted by Ordinance No. 1462 effective 1/1/99.

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>       |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|--|
| <b>2.0008</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>3.0010</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
|                            | Amended by                | Ord. 1472               | 4/20/1999           | 4/20/1999             | <b>Civic Neighborhood Amendments</b>   |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
|                            | Amended by                | Ord. 1505               | 8/1/2000            | 8/31/2000             | <b>Home Occupation Amendments</b>      |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
|                            | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | <b>Significant Trees</b>               |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
|                            | Amended by                | Ord. 1608               | 6/21/2005           | 7/21/2005             | <b>Omnibus 2</b>                       |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | <b>Omnibus 3</b>                       |
|                            | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
|                            | Amended by                | Ord. 1628               | 5/2/2006            | 6/1/2006              | <b>Downtown Building Heights</b>       |
|                            | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.0100</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
| <b>4.0110</b>              | Amended by                | Ord. 1484               | 11/2/1999           | 11/2/1999             | <b>LDR Minimum Lot Size</b>            |
|                            | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | <b>Omnibus 3</b>                       |
|                            | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0111</b>              | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
| <b>4.0120</b>              | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1562               | 12/17/2002          | 1/16/2003             | <b>Housing Mix Plan</b>                |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | <b>Omnibus 3</b>                       |
|                            | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.0130</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1484               | 11/2/1999           | 11/2/1999             | <b>LDR Minimum Lot Size</b>            |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | <b>Omnibus 1</b>                       |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | <b>Omnibus 3</b>                       |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
|                            | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | <b>Omnibus 4</b>                       |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.0131</b>              | Amended by                | Ord. 1484               | 11/2/1999           | 11/2/1999             | <b>LDR Minimum Lot Size</b>            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | <b>Omnibus 3</b>                       |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0132</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |

| <b>Code Section<br/>Number</b> | <b>Amend,<br/>Add, Delete</b> | <b>Ordinance<br/>Number</b> | <b>Passage<br/>Date</b> | <b>Effective<br/>Date</b> | <b>Ordinance<br/>Title Reference</b> |
|--------------------------------|-------------------------------|-----------------------------|-------------------------|---------------------------|--------------------------------------|
|                                | Amended by                    | Ord. 1558                   | 11/19/2002              | 12/19/2002                | <b>Residential Infill</b>            |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>       |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|--|
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0133</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0135</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0138</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.0139</b>              | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
|                            | Added by                  | Ord. 1558               | 11/19/2002          | 12/19/2002            | <b>Residential Infill</b>              |
| <b>4.0140</b>              | Renumbered                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
|                            | Added by                  | Ord. 1626               | 3/21/2006           | 4/20/2006             | <b>Large Lot SD Option</b>             |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>4.0200</b>              | Renumbered                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.0230</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
| <b>4.0311</b>              | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | <b>Springwater Plan District</b>       |
| <b>4.0320</b>              | Amended by                | Ord. 1557               | 11/19/2002          | 11/20/2002            | <b>Retail Size Limit in Industrial</b> |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>4.0330</b>              | Amended by                | Ord. 1557               | 11/19/2002          | 11/20/2002            | <b>Retail Size Limit in Industrial</b> |
| <b>4.0410</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>4.0411</b>              | Amended by                | Ord. 1562               | 12/17/2002          | 1/16/2003             | <b>Housing Mix Plan</b>                |
| <b>4.0411</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
| <b>4.0420</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1562               | 12/17/2002          | 1/16/2003             | <b>Housing Mix Plan</b>                |
|                            | Amended by                | Ord. 1652               | 2/19/2008           | 3/20/2008             | <b>Rockwood Town Center</b>            |
| <b>4.0430</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
|                            | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.0431</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.0433</b>              | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
| <b>4.0434</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | <b>Omnibus 4</b>                       |
| <b>4.0435</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.0437</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
| <b>4.0500-4.0530</b>       | Deleted by                | Ord. 1652               | 2/19/2008           | 3/20/2008             | <b>Rockwood Town Center</b>            |
| <b>4.1111</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
| <b>4.1111</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
| <b>4.1130</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1628               | 5/2/2006            | 6/1/2006              | <b>Downtown Building Heights</b>       |
| <b>4.1133</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | <b>Omnibus 4</b>                       |
| <b>4.1134</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1137</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1141</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>4.1142</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
| <b>4.1142</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1146</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
| <b>4.1148</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>4.1149</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
|                            | Added by                  | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1571               | 6/3/2003            | 7/3/2003              | <b>Downtown Future Street Plan</b>     |



| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>       |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|--|
| <b>4.1150</b>              | Added by                  | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>4.1201</b>              | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
| <b>4.1220</b>              | Amended by                | Ord. 1472               | 4/20/1999           | 4/20/1999             | <b>Civic Neighborhood Amendments</b>   |
| <b>4.1220</b>              | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
| <b>4.1230</b>              | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
|                            | Amended by                | Ord. 1575               | 7/29/2003           | 7/29/2003             | <b>Civic Neighborhood 2003</b>         |
| <b>4.1232</b>              | Amended by                | Ord. 1575               | 7/29/2003           | 7/29/2003             | <b>Civic Neighborhood 2003</b>         |
| <b>4.1233</b>              | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
|                            | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | <b>Omnibus 4</b>                       |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1234</b>              | Amended by                | Ord. 1472               | 4/20/1999           | 4/20/1999             | <b>Civic Neighborhood Amendments</b>   |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1235</b>              | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
| <b>4.1241</b>              | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>4.1242</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.1244</b>              | Amended by                | Ord. 1472               | 4/20/1999           | 4/20/1999             | <b>Civic Neighborhood Amendments</b>   |
|                            | Amended by                | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
|                            | Amended by                | Ord. 1575               | 7/29/2003           | 7/29/2003             | <b>Civic Neighborhood 2003</b>         |
| <b>4.1247</b>              | Added by                  | Ord. 1537               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Street Stds</b>  |
|                            | Amended by                | Ord. 1575               | 7/29/2003           | 7/29/2003             | <b>Civic Neighborhood 2003</b>         |
| <b>4.1248</b>              | Added by                  | Ord. 1536               | 10/16/2001          | 11/15/2001            | <b>Civic Neighborhood Plan Amends</b>  |
| <b>4.1249</b>              | Added by                  | Ord. 1575               | 7/29/2003           | 7/29/2003             | <b>Civic Neighborhood 2003</b>         |
| <b>4.1300</b>              | Added by                  | Ord. 1465               | 12/1/1998           | 1/1/1999              | <b>Gresham Butte Plan District</b>     |
| <b>4.1400 et seq.</b>      | Added by                  | Ord. 1597               | 12/7/2004           | 1/6/2005              | <b>Pleasant Valley Plan District</b>   |
| <b>4.1401</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1403</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1404</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1405</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1406</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1407</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1408</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.1411</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1425</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1426</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1427</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1428</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.1436</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1441</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1442</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1451</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1452</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>4.1463</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1464</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1465</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1468</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1471</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1473</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1475</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1476</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1477</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1479</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1481</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1483</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |
| <b>4.1484</b>              | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | <b>PV Plan District Amendments</b>     |

| <b>Code Section<br/>Number</b> | <b>Amend,<br/>Add, Delete</b> | <b>Ordinance<br/>Number</b> | <b>Passage<br/>Date</b> | <b>Effective<br/>Date</b> | <b>Ordinance<br/>Title Reference</b> |
|--------------------------------|-------------------------------|-----------------------------|-------------------------|---------------------------|--------------------------------------|
| <b>4.1486</b>                  | Added by                      | Ord. 1644                   | 5/15/2007               | 5/15/2007                 | <b>PV Plan District Amendments</b>   |
| <b>4.1490-4.1492</b>           | Deleted by                    | Ord. 1644                   | 5/15/2007               | 5/15/2007                 | <b>PV Plan District Amendments</b>   |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>       |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|--|
| <b>4.1500 et seq.</b>      | Added by                  | Ord. 1614               | 11/1/2005           | 12/1/2005             | <b>Springwater Plan District</b>       |
| <b>4.1507</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>4.1508</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.1512</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>4.1520</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>4.1528</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>4.1592</b>              | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>5.0110</b>              | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
| <b>5.0120</b>              | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
| <b>5.0121</b>              | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>5.0125</b>              | Added by                  | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
| <b>5.0210</b>              | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | <b>Stormwater Amendments</b>           |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>5.0200 et seq</b>       | Replaced by               | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
| <b>5.0321</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>5.0324</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>5.0421</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>5.0422</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>5.0423</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>5.0423</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>5.0424</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>5.0600</b>              | Added by                  | Ord. 1556               | 11/19/2002          | 11/20/2002            | <b>WQRA Overlay</b>                    |
| <b>5.0602</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>5.0603</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>5.0607</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>5.0614</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>5.0615</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>6.0001</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
| <b>6.0011</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>6.0012</b>              | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
| <b>6.0020</b>              | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>6.0201</b>              | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>6.0202</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
|                            | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>6.0203</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | <b>Omnibus 1</b>                       |
|                            | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
| <b>6.0212</b>              | Added by                  | Ord. 1619               | 2/7/2006            | 3/9/2006              | <b>Residential Districts</b>           |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>6.0300 et seq</b>       | Replaced by               | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
| <b>6.0302</b>              | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | <b>Springwater Plan District</b>       |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>       |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|--|
| <b>6.0303</b>              | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | <b>Springwater Plan District</b>       |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>6.0320</b>              | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>6.0321</b>              | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | <b>Springwater Plan District</b>       |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
| <b>6.0402</b>              | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
| <b>6.0403</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
| <b>6.0413</b>              | Added by                  | Ord. 1554               | 9/3/2002            | 9/4/2002              | <b>Plat Extensions/Public Purpose</b>  |
| <b>7.0001</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1637               | 1/2/2007            | 2/1/2007              | <b>Residential Districts 2</b>         |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>7.0003</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
| <b>7.0101</b>              | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
|                            | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>7.0102</b>              | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
|                            | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | <b>Brickworks/Springwater</b>          |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>7.0103</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | <b>Hillsides &amp; PDs</b>             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>7.0201</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | <b>Omnibus 1</b>                       |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | <b>Development Code Improvement #1</b> |
| <b>7.0202</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |
| <b>7.0210</b>              | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | <b>Transit Corridor Plan</b>           |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | <b>Rockwood Plan Refinements</b>       |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | <b>Multi-Family Design Standards</b>   |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
| <b>7.0211</b>              | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | <b>Minor Text Amendments</b>           |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
| <b>7.0212</b>              | Added by                  | Ord. 1608               | 6/21/2005           | 7/21/2005             | <b>Omnibus 2</b>                       |
| <b>7.0221</b>              | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | <b>Public Improvements/Misc.</b>       |
| <b>7.0223</b>              | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | <b>Code Simplification 2-1</b>         |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | <b>Addressing Ordinance</b>            |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | <b>Single Family Attached Design</b>   |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b> |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|----------------------------------|
| 7.0224                     | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0102                     | Added by                  | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 8.0110                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0111                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 8.0112                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 8.0114                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0121                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0202                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0211                     | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | Addressing Ordinance             |
| 8.0220                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0221                     | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | Omnibus 4                        |
| 8.0230                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0231                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 8.0240                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
| 9.0101                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.0110                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | Rockwood Plan Refinements        |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
|                            | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | Springwater Plan District        |
| 9.0111                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
|                            | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | Springwater Plan District        |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | Single Family Attached Design    |
| 9.0301                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0305                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0411                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| 9.0500                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| 9.0503                     | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | Hillsides & PDs                  |
| 9.0504                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| 9.0505                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0506                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0513                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0514                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0515                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0520 - 9.0526            | Added by                  | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| 9.0520                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0521                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0522                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0522-9.0524              | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0525                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.0525-9.0526              | Renumbered                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b> |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|----------------------------------|
| 9.0602                     | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | Single Family Attached Design    |
| 9.0610                     | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | Single Family Attached Design    |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0611                     | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
|                            | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | Single Family Attached Design    |
| 9.0700                     | Amended by                | Ord. 1552               | 8/20/2002           | 8/21/2002             | Street Classifications/Standards |
| 9.0702                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments      |
| 9.0703                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | Addressing Ordinance             |
| 9.0712                     | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments      |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0713                     | Added by                  | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill               |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
|                            | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0740                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 9.0803                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.0822                     | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | Rockwood Plan Refinements        |
| 9.0823                     | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | Rockwood Plan Refinements        |
| 9.0825                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
| 9.0826                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
| 9.0850                     | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
| 9.0851                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | Rockwood Plan Refinements        |
|                            | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
| 9.0854                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
| 9.0856                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
| 9.0860                     | Amended by                | Ord. 1575               | 7/29/2003           | 7/29/2003             | Civic Neighborhood 2003          |
| 9.0861                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.0865                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.0870                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.0901                     | Amended by                | Ord. 1628               | 5/2/2006            | 6/1/2006              | Downtown Building Heights        |
| 9.1000                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 9.1010                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.1012                     | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
| 9.1013-1015                | Added by                  | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
| 9.1020                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.1021                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.1022                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 9.1023                     | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
| 9.1030-1035                | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
| 9.1040-1042                | Amended by                | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                |
| 9.1100                     | Amended by                | Ord. 1570               | 5/20/2003           | 6/19/2003             | Hillsides & PDs                  |
| 10.0120                    | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill               |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 10.0121                    | Amended by                | Ord. 1619               | 2/7/2006            | 3/9/2006              | Residential Districts            |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b> |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|----------------------------------|
| 10.0201                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 10.0401                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 10.0500                    | Amended by                | Ord. 1505               | 8/1/2000            | 8/31/2000             | Home Occupation Amendments       |
| 10.0502                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| 10.0600                    | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 10.0601                    | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan            |
| 10.0812                    | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 10.1310                    | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 10.1312                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| 10.1315                    | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 10.1401                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1614               | 11/1/2005           | 12/1/2005             | Springwater Plan District        |
| 10.1410                    | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 10.1412                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 10.1520                    | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill               |
| 11.0101                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0102                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| 11.0201                    | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0202                    | Amended by                | Ord. 1577               | 10/7/2003           | 11/6/2003             | Appeals Procedure                |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0203                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1577               | 10/7/2003           | 11/6/2003             | Appeals Procedure                |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0204                    | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | Brickworks/Springwater           |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0205                    | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0207                    | Amended by                | Ord. 1648               | 10/16/2007          | 11/15/2007            | Single Family Attached Design    |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0210                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                        |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | Omnibus 3                        |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0211                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0212                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0214                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0215                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0216                    | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0217                    | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0401                    | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | Addressing Ordinance             |
| 11.0501                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0510                    | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0520                    | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1577               | 10/7/2003           | 11/6/2003             | Appeals Procedure                |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| 11.0521                    | Amended by                | Ord. 1577               | 10/7/2003           | 11/6/2003             | Appeals Procedure                |
| 11.0522                    | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| 11.0601                    | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| 11.0800                    | Added by                  | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |

| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b> |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|----------------------------------|
| 12.001                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| 12.011                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A1.000                     | Replaced by               | Ord. 1605               | 5/3/2005            | 6/2/2005              | Annexations                      |
| A1.002                     | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | Brickworks/Springwater           |
| A1.003                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A1.004                     | Amended by                | Ord. 1634               | 12/19/2006          | 1/18/2007             | Brickworks/Springwater           |
| A3.001                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A3.002                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A4.001                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A4.002                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A4.003                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A4.004                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1          |
| A5.002                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1608               | 6/21/2005           | 7/21/2005             | Omnibus 2                        |
| A5.003                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.004                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.005                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.006                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
|                            | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1547               | 5/7/2002            | 6/6/2002              | Public Facilities/Utilities      |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
|                            | Amended by                | Ord. 1617               | 1/3/2006            | 2/2/2006              | Omnibus 3                        |
| A5.007                     | Amended by                | Ord. 1547               | 5/7/2002            | 6/6/2002              | Public Facilities/Utilities      |
| A5.008                     | Added by                  | Ord. 1547               | 5/7/2002            | 6/6/2002              | Public Facilities/Utilities      |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.009                     | Added by                  | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.010                     | Added by                  | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
|                            | Amended by                | Ord. 1608               | 6/21/2005           | 7/21/2005             | Omnibus 2                        |
| A5.102                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments            |
| A5.108                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.201                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.202                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.204                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.205                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1533               | 9/18/2001           | 10/18/2001            | Stormwater Management            |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.206                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.206                     | Amended by                | Ord. 1533               | 9/18/2001           | 10/18/2001            | Stormwater Management            |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.207                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
|                            | Amended by                | Ord. 1533               | 9/18/2001           | 10/18/2001            | Stormwater Management            |
|                            | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.208                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.209                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.210                     | Amended by                | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.220-225                 | Added by                  | Ord. 1464               | 12/1/1998           | 1/1/1999              | Stormwater Amendments            |
| A5.220                     | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.221                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.221-225                 | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1  |
| A5.306                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.        |
| A5.400                     | Amended by                | Ord. 1552               | 8/20/2002           | 8/21/2002             | Street Classifications/Standards |
| A5.401                     | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill               |
| A5.402                     | Amended by                | Ord. 1499               | 6/6/2000            | 7/6/2000              | Multi-Family Design Standards    |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments      |



| <b>Code Section Number</b> | <b>Amend, Add, Delete</b> | <b>Ordinance Number</b> | <b>Passage Date</b> | <b>Effective Date</b> | <b>Ordinance Title Reference</b>  |
|----------------------------|---------------------------|-------------------------|---------------------|-----------------------|-----------------------------------|
| A5.408                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
| A5.409                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.         |
| A5.410                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1576               | 7/29/2003           | 8/28/2003             | Addressing Ordinance              |
| A5.413                     | Added by                  | Ord. 1547               | 5/7/2002            | 6/6/2002              | Public Facilities/Utilities       |
| A5.500                     | Amended by                | Ord. 1552               | 8/20/2002           | 8/21/2002             | Street Classifications/Standards  |
| A5.501                     | Amended by                | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill                |
|                            | Amended by                | Ord. 1600               | 2/1/2005            | 3/3/2005              | Omnibus 1                         |
| A5.506                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.         |
| A5.510                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.         |
| A5.600                     | Deleted by                | Ord. 1552               | 8/20/2002           | 8/21/2002             | Street Classifications/Standards  |
| A5.601                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A5.608                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A5.612                     | Amended by                | Ord. 1485               | 11/2/1999           | 12/2/1999             | Rockwood Plan Refinements         |
|                            | Amended by                | Ord. 1491               | 3/7/2000            | 4/6/2000              | Off-Street Ped/Bicycle Accessways |
| A5.700                     | Deleted by                | Ord. 1552               | 8/20/2002           | 8/21/2002             | Street Classifications/Standards  |
| A5.710                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A5.711                     | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A5.712                     | Added by                  | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A6.020                     | Amended by                | Ord. 1463               | 12/1/1998           | 1/1/1999              | Minor Text Amendments             |
|                            | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
| A6.050                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A6.071                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A6.090                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.096                     | Deleted by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1   |
| A6.100                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
|                            | Amended by                | Ord. 1640               | 2/20/2007           | 3/22/2007             | Omnibus 4                         |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.101                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
| A6.110                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
|                            | Amended by                | Ord. 1542               | 2/19/2002           | 2/19/2002             | Readerboard Signs-Schools         |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.130                     | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.131                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
| A6.132                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.133                     | Amended by                | Ord. 1467               | 12/29/1998          | 2/4/1999              | Transit Corridor Plan             |
|                            | Amended by                | Ord. 1644               | 5/15/2007           | 5/15/2007             | PV Plan District Amendments       |
| A6.160                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A7.004                     | Amended by                | Ord. 1580               | 12/2/2003           | 1/1/2004              | Public Improvements/Misc.         |
| A8.000                     | Amended by                | Ord. 1519               | 4/3/2001            | 5/3/2001              | Code Simplification 2-1           |
| A9.000                     | Replaced by               | Ord. 1562               | 12/17/2002          | 1/16/2003             | Housing Mix Plan                  |
| A11.000                    | Added by                  | Ord. 1537               | 10/16/2001          | 11/15/2001            | Civic Neighborhood Street Stds    |
| A12.000                    | Added by                  | Ord. 1558               | 11/19/2002          | 12/19/2002            | Residential Infill                |
| A13.000                    | Added by                  | Ord. 1576               | 7/29/2003           | 8/28/2003             | Addressing Ordinance              |
| A14.000                    | Added by                  | Ord. 1578               | 10/7/2003           | 11/6/2003             | Significant Trees                 |
| A14.002                    | Amended by                | Ord. 1660               | 10/7/2008           | 11/6/2008             | Development Code Improvement #1   |

# **Article II**

## **Introductory Provisions**

### **Section 2.0000**

#### **Introductory Provisions**

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##### General

- 2.0001 Title
- 2.0002 Purpose
- 2.0003 Scope and Compliance
- 2.0004 Conditions
- 2.0005 Posting Notice
- 2.0006 Interpretation
- 2.0007 Severability
- 2.0008 Abatement and Penalty

##### General

###### **2.0001 Title**

This ordinance shall be known as the Gresham Community Development Code, and shall be referred to herein as “Community Development Code”.

###### **2.0002 Purpose**

These regulations are adopted for the following purposes:

- (A) To protect and provide for the public health, safety, and general welfare of the City.
- (B) To guide the future growth and development of the City, in accordance with the Community Development Plan.
- (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (D) To protect the character and the social and economic stability and to encourage the orderly and beneficial development of all parts of the City.
- (E) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
- (G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City by promoting a variety of transportation choices including walking, bicycling, transit and automobile and by reducing parking space requirements, with particular regard to the avoidance of congestion in the streets and highways as well as pedestrian

traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

- (H) To establish reasonable standards of design and procedures for land division in order to further the orderly layout of use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- (I) To ensure that public facilities are available and/or provisions have been made so public facilities will have sufficient capacity to serve the proposed development.
- (J) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (K) To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
- (L) To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the Community Development Plan.

### **2.0003 Scope and Compliance**

A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction alteration, occupancy, or otherwise only as this ordinance permits. In addition to complying with the criteria and other provisions within this ordinance, each development shall comply with the applicable procedures set forth in the Community Development Code ordinance. The requirements of this ordinance apply to the person undertaking a development or the user of a development and the persons' successors in interest.

### **2.0004 Conditions**

The applicant has the duty to comply with reasonable conditions laid down by the approval authority for design, dedication, improvement, and restrictions on use.

### **2.0005 Posting Notice**

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

### **2.0006 Interpretation**

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

**2.0007 Severability**

The provisions of this ordinance are severable. If any section, sentence, clause or phase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

**2.0008 Abatement and Penalty**

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

# Article III Definitions

## Section 3.0000 Definitions

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### General

3.0001 General Provisions

### Definitions

3.0010 Definitions

### General

#### **3.0001 General Provisions**

Those words used in the Community Development Code, shall be subject to the generally accepted dictionary definitions, unless otherwise noted in Section 3.0010. Those words listed in Section 3.0010 shall be subject to those definitions provided, unless the context clearly implies differently.

### Definitions

#### **3.0010 Definitions**

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

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

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

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

**Accessway.** Pedestrian/bicycle accessways are paved pathways which provide direct and continuous pedestrian and bicycle passage through blocks. They are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

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

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

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

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

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

**Adult Foster Care.** (See Residential Homes: Adult Foster Homes).

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

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

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

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

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

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

**Antenna.** A system of electrical conductors for radiating or receiving radio waves; commonly consists of a metal rod, wire panel or dish mounted on a supporting tower, pole, mast or other structure.

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

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

**Arboriculture.** The care and maintenance of trees.

**Arborist, Certified.** A tree care technician who has passed certifying exams and holds current status as a Certified Arborist through the International Society of Arboriculture (ISA). A Certified Arborist is qualified to prune, treat, or remove trees but is not considered a Qualified Arborist.

**Arborist, Consulting.** A professional in arboriculture who is a member of the American Society of Consulting Arborists (ASCA) and is qualified to bring a comprehensive, objective viewpoint to the diagnosis, appraisal, and evaluation of arboricultural issues.

**Arborist, Qualified.** A professional in arboriculture who has demonstrated professional expertise by membership in the consulting arborist's professional organization (ASCA) and is qualified to provide expert testimony about various issues relating to trees and other woody plants. (See Arborist, Consulting, and Arborist, Registered Consulting).

**Arborist, Registered Consulting.** A Consulting Arborist who has completed additional requirements beyond those for basic membership in the ASCA and been recognized by the ASCA as having superior experience and expertise.

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

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

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

**Archaeologist.** A person having the following qualifications:

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

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

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

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

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

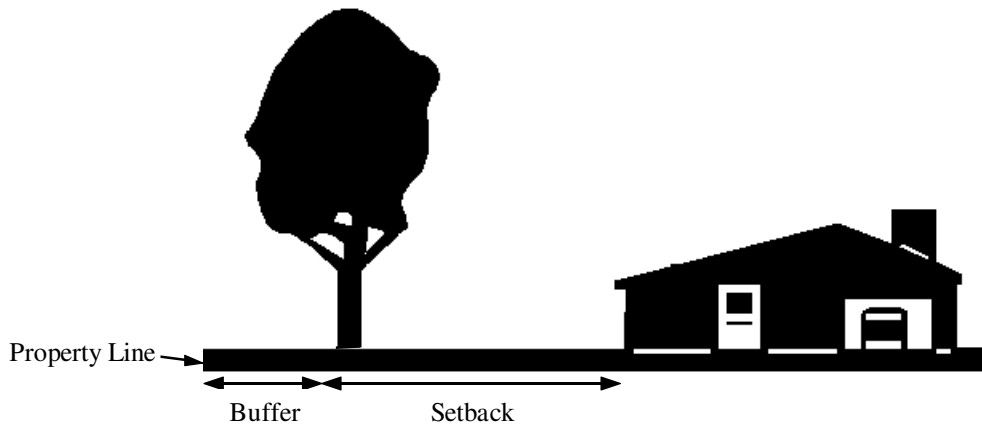
**Basement.** A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

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

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

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

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



**Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

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

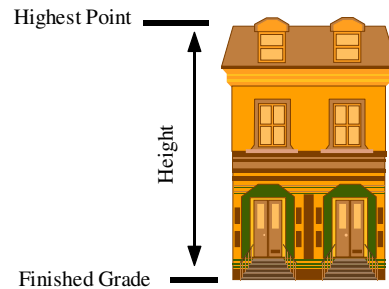
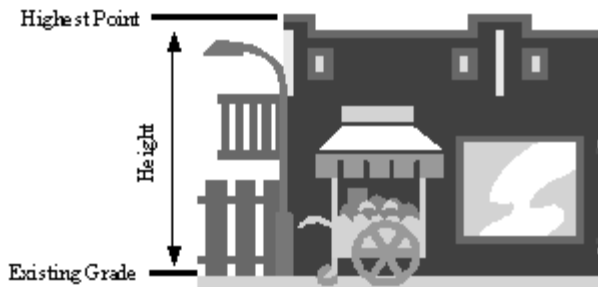
**Building Coverage.** That percentage of the total lot area covered by buildings, including covered parking areas.

**Building Footprint.** The total area of the building ground floor measured from the exterior faces of the building.

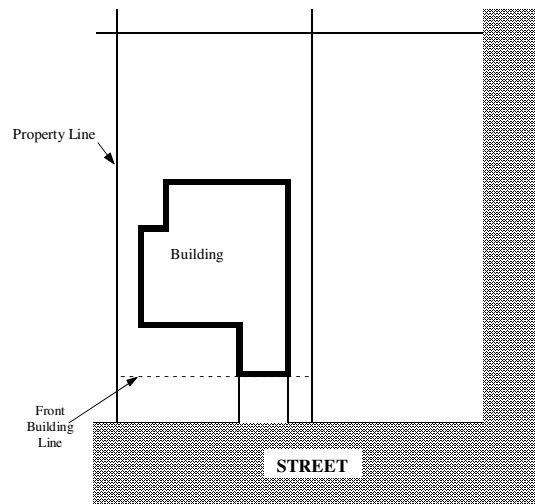
**Building Footprint (for Habitat Conservation Area).** The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building footprint also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage. Underground facilities and structures are defined based on the foundation line.



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



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



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

**Building Site.** The area on a lot or parcel that is designated to contain a structure, impervious surface, or non-native landscaping.

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

**Caliper.** The trunk diameter of young or nursery trees (see Tree Caliper).

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

**Carpool/Vanpool Parking.** Is a vehicle with 2 or more riders which travel to and from an employment destination.

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

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

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

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

**City.** The City of Gresham.

**Clear Cutting.** Any tree removal which leaves fewer than an average of one tree per 1,000 square feet of lot area, well-distributed throughout the entirety of the site. This definition does not apply to sites that have fewer than an average of one tree per 1,000 square feet of lot area at the time development is proposed, except for sites from which the current owner or the proposed developer or his or her representative has removed regulated trees in excess of the number that may be removed without a development permit under Section 9.1010 of the Development Code.

**Clear Vision Area.** A triangular area at the intersections of streets or streets and a railroad that is kept clear of structures and/or vegetation for purposes of drivers having an unobstructed cross-view for purposes of traffic safety (see Section 9.0200 for Clear Vision standards).

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

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

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

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

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

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

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

**Condominium Unit.** Any housing unit in a condominium.

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

**Conversion of Condominiums.** The filing of a declaration pursuant to ORS 100.005 to 100.990 or the sale by a declarant or condominium units that were previously rental units.

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

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

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

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

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

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

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

**Critical Root Zone.** (See Tree, Critical Root Zone.)

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

**Crown cover.** The area within the drip line or perimeter of the foliage of a tree.

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

**Curb Cut.** The entire variation from curb grade, including driveway approach and driveway wings.

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

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

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

**Deciduous.** A plant with foliage that is shed annually.

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

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

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

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

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

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

**Civic Neighborhood Design District** is generally all of the Civic Neighborhood Plan District; Station Center (SC) lands south side of Division and west of Eastman; Community Commercial (CC) land north of Burnside and west of Eastman; and Transit

Low Density Residential (TLDR) and Corridor Mixed Use (CMU) west of Eastman along Division.

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

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

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

**Table 3.0010 - DESIGN COMMISSION DESIGN REVIEWS**

| AREAS                              | Review Type -- Clear and Objective Standards   |   |   |   | Review Type -- Discretionary Guidelines |
|------------------------------------|--|---|---|---|---|
|                                    | 1  | 2 | 3 | 4 | 5                                       |
| Rockwood Design District           | X  | X | X |   | X                                       |
| Downtown Design District           | X  | X | X |   | X                                       |
| Civic Neighborhood Design District | X  | X | X |   | X                                       |
| Corridor Design District           |  | X | X | X | X                                       |
| Pleasant Valley Design District    | X  | X | X |   | X                                       |
| Springwater Design District        | X  | X | X |   | X                                       |
| 1                                  | Commercial, Community Service or Mixed Use Developments with either 10,000 square feet of new floor area or 50 feet of building frontage on a street including new buildings or additions to existing buildings. |   |   |   |   |
| 2                                  | Residential Only Developments with 10 units or greater unless adjacent to LDR-5, LDR-7, TLDR, or TR, in which case Residential Only Developments of 5 units or greater.  |   |   |   |   |
| 3                                  | Community Service- All Public Buildings  |   |   |   |   |
| 4                                  | Commercial, Community Service or Mixed Use Developments equal to or greater than 20,000 square feet or 50 feet of building frontage on a street including new buildings or additions to existing buildings.      |   |   |   |   |
| 5                                  | Any proposal where the applicant chooses to pursue a discretionary review.   |   |   |   |   |

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

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

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

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

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

**Developed Areas not Providing Vegetative Cover.** Areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.

**Developed Flood Area.** A flood area a) upon which a building or other structure has been located; or b) that is an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses; provided however, that graveled areas shall not be considered developed flood areas.

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

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

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

**Diameter Breast Height (DBH).** (See Tree, Diameter Breast Height (DBH).)

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

**Disturb.** Man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

- enhancement or restoration of the HCA; or
- planting native cover identified in the City of Gresham Native Plant List

**Disturbance Area.** An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site. For new development the disturbance area must be contiguous. The disturbance area does not include agricultural and pasture lands or naturalized areas.

**Dripline.** (See Tree, Dripline.)

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

**Driveway Approach.** The driveway approach ramp within the public right-of-way.

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

**Duplex.** A two-unit attached dwelling located on a single lot.

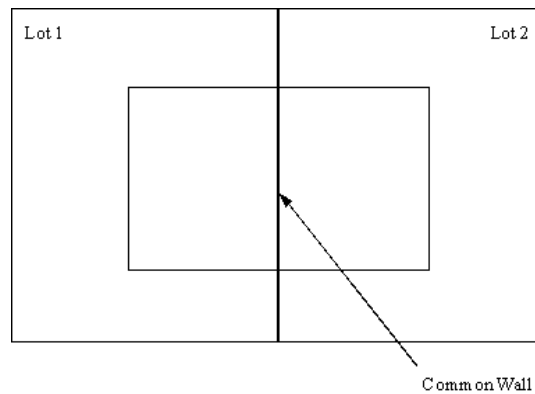
**Dwelling, Accessory.** A dwelling unit either within or added to an existing dwelling or over a garage that is accessory to a single family dwelling. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.

**Dwelling, Ancillary.** A second dwelling unit located on the same lot as a single-family dwelling.

**Dwelling, Attached.** A dwelling unit that shares a common wall, floor or ceiling with another dwelling unit within a residential building on a single lot, or, as permitted by the district, within a mixed-use building on a single lot. Attached dwelling units are also referred to as “multi-family”, “apartment”, or “rental” units.

**Dwelling, Single Family.** A detached building designed for occupancy by one family.

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

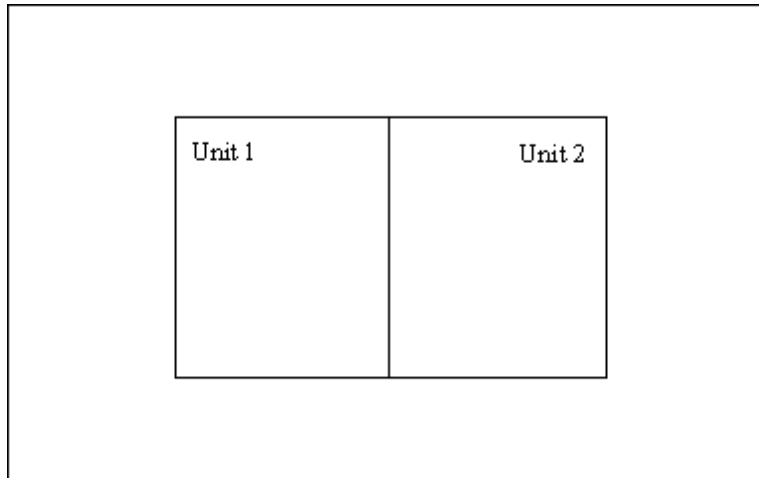


**Dwelling, Single Family, Detached.** A detached building designed for occupancy by one family. A detached single-family dwelling on a single lot is often referred to as a single-family house, home, or residence.

**Dwelling, Temporary Health Hardship.** A manufactured home temporarily placed with an existing single-family dwelling and intended to provide convenient, temporary housing for persons with a demonstrated health hardship, as provided in [Section 10.1300](#).

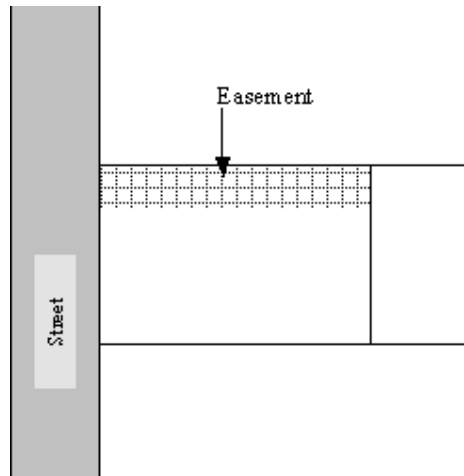


**Dwelling, Two-Unit Attached.** A building on a single lot containing two dwelling units that share a common wall, floor or ceiling. A two-unit dwelling on a single lot is often referred to as a “duplex”.



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

**Easement.** The recorded right to use a defined area of property for specific purpose(s).



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

**Ecological Functions.** The primary biological and hydrologic characteristics of healthy fish and wildlife habitat. Riparian ecological functions include microclimate and shade, streamflow moderation and water storage, bank stabilization and sediment/pollution control, sources of large woody debris and natural channel dynamics, and organic material sources. Upland wildlife ecological functions include size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity to other habitat areas, and presence of unique habitat types.

**Effective Impervious Area.** A subset of total impervious area that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body of water.

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

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

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

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

**Emergency.** Any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

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

**Engineer.** A registered professional engineer licensed by the State of Oregon.

**Enhancement.** The process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate beneficial processes and features that occur naturally.

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

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

**Erosion.** Erosion is the movement of soil particles resulting from actions of water or wind.

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

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

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

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

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

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

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

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

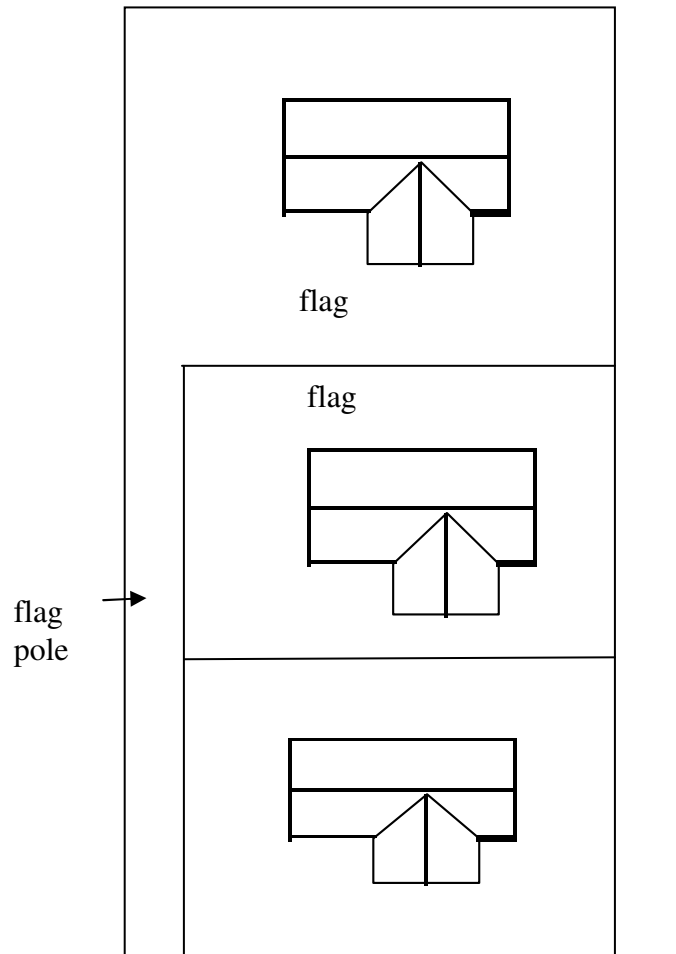
**Federal Manufactured Housing Construction and Safety Standards Code.** Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.) as amended, rules and regulations adopted thereunder, and regulations and interpretations of said code by the Oregon Department of Commerce, all of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

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Fill.** Any material such as, but not limited to sand, gravel, soil, or rock that is placed in a wetland or floodplain for the purposes of development or redevelopment.

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

**Flag Lot.** A lot with two distinct parts: the flag, which is the only building site, located behind another lot; and the flag pole, which connects the flag to the street, provides the only street frontage for the lot and is narrower than the street frontage required for that district.



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

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

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

**Flood Areas.** Those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).

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

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

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

**Flood Management Areas.** All lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.

**Floodplain.** The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

**Forest Canopy.** Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

**Frontage.** That portion of a parcel of property which abuts a public street.

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

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

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

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

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

**Grade.** (Adjacent Ground Elevation), the lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line

is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

**Gresham Community Development Plan, or Community Development Plan.** A plan adopted by the City which is intended to guide the future development of this community. This plan includes four volumes:

- 1) Volume I - Findings Document
- 2) Volume II - Policies and Implementation Strategies
- 3) Volume III - Gresham Community Development Code
- 4) Volume IV – Transportation System Plan

**Gresham Public Works Standards.** The Gresham Public Works Standard Drawings and Standard Specifications.

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

**Groundcover.** Turf grass and low plants that cover the ground in place of turf grass. Low plants normally reach an average maximum height of not more than 24 inches at maturity. For required landscaping, groundcover does not include any substitution of bark mulch, bark chips, or gravel in place of living plant materials.

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

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

**Habitat Conservation Area or HCA.** An area identified on the Habitat Conservation Areas Map and subject to the development standards of the HCA Overlay district.

**Habitat-friendly Development.** A method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include clustering development to avoid habitat, using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, collecting rooftop water in rain barrels for reuse in site landscaping and gardening, and reducing the amount of effective impervious surface created by development.

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

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

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

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

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

**Hotel.** Any building containing 12 or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, whether

rent is paid in money, goods, labor, or otherwise, whether designated as a hotel, inn, club, or by any other name. Apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

**Industrial Service.** Firms involved in large scale repair and servicing of industrial, business or consumer machinery, equipment, products, or by-products. Contractors and building maintenance services and similar uses can perform services off-site. Few customers, especially the general public, come to the site. Examples include welding shops; machine shops; tool, electric motor, industrial instruments repair; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors that include workshops, fabrication, storage, and/or fleet vehicle storage and maintenance; exterminators including chemical mixing or storage and fleet storage and maintenance; recycling operations; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large scale laundry, dry-cleaning and carpet cleaning plants.

**Infill Lots and Parcels.** For the purposes of Section 4.0139, Infill Lots and Parcels are those existing or proposed lots or parcels that are non-standard. A non-standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.

**Infiltration, or Stormwater Infiltration.** Also referred to as stormwater retention. The permanent storage and disposal, through percolation into the ground, of stormwater on-site to reduce or eliminate the discharge of stormwater runoff from a developed property.

**Invasive Non-native or Noxious Vegetation.** Plant species that are listed as nuisance plants or prohibited plants on the City of Gresham Native Plant List because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.

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

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

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

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

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

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

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

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

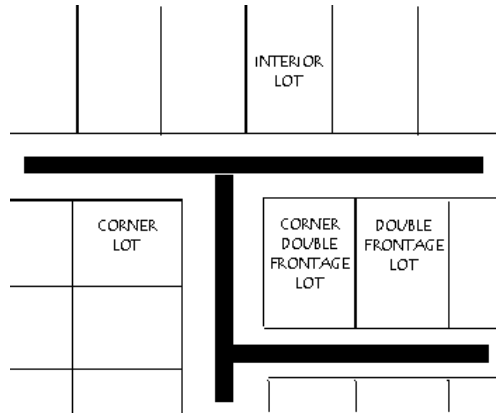
- 1) description in Sunset Western Garden Book (Editor Sunset Books, 1988 or later edition), or
- 2) by an appendix or definition in the Community Development Code, or
- 3) by specific certification by a licensed landscape architect.

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

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

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

**Lot.** A unit of land legally created by a subdivision in accordance with the City of Gresham subdivision regulations.

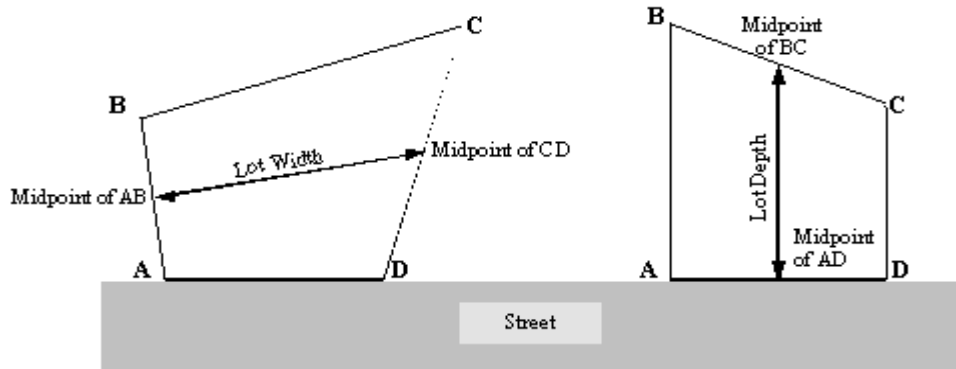


**Lot Division.** The act of creating one or more new lots through the partitioning or subdivision process.

**Lot, Corner.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.



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



**Lot, Double Frontage.** A lot with street frontage along two opposite boundaries.

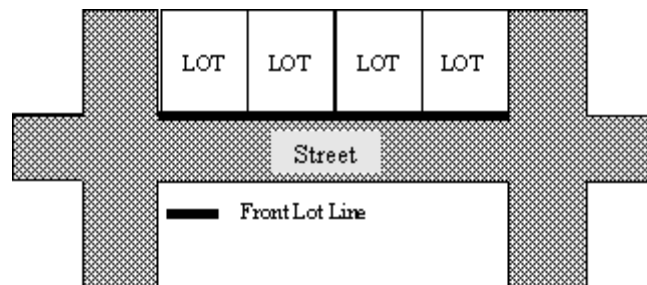
**Lot, Interior.** A lot other than a corner lot, with frontage only on one street.

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

**Lot Line.** Any property line bounding a lot.

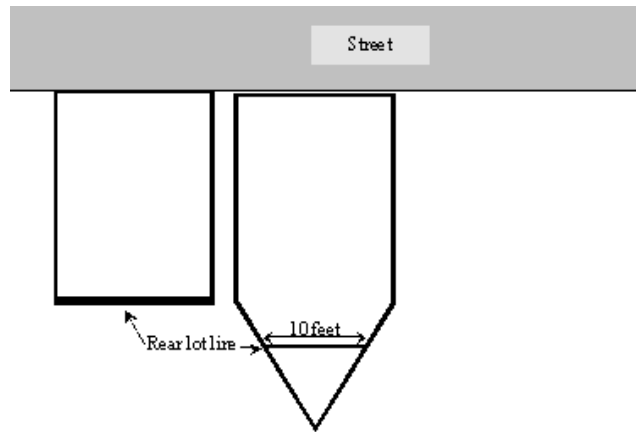
**Lot Line Adjustment.** An adjustment of a property line by the relocation of a common lot line where no additional lots are created or where lots are consolidated resulting in fewer lots.

**Lot Line, Front.** For an interior lot, the lot line abutting a street; for a corner lot, a lot line abutting either street. In the case of a corner lot, the Manager shall determine the front lot line. When an access control strip has been required along one of the streets of a double frontage lot by a governmental agency, the line separating the lot from this street shall become the rear property line. A lot line abutting an alley is a rear lot line. For flag lots and non-frontage lots, the front lot line shall be determined by the Manager.



**Lot Line, Northern.** The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.

**Lot Line, Rear.** A lot line which is opposite to and more distant from the front lot line. In the case of a corner lot, the Manager shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. In the case of a double frontage lot, each street has a front lot line except when an access control strip has been required along one of the streets by a governmental agency, in which case the line separating the lot from this street becomes the rear property line. A lot line abutting an alley is a rear lot line.



**Lot Line, Side.** Any lot line which is not a front or rear lot line.

**Lot of Record.** The term “Lot of Record” means:

- 1) A lot of record or a parcel of land for which a deed or other instrument dividing the land was recorded with Multnomah County prior to December 16, 1975, or either approved by Multnomah County or recorded prior to July 26, 1979, if annexed after that date, may be occupied by uses as provided in Article IV of this ordinance.
- 2) No sale or conveyance of any portion of a lot for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot area, lot dimensions, yard setbacks or result in a lot with less than the minimum buffering and screening requirements of this ordinance.
- 3) The lot of record provisions do not include land divisions that were recorded with Multnomah County after December 16, 1975, where City of Gresham approval was required but not sought and granted prior to recordation. Such land divisions are not recognized as lots of record as defined in this ordinance.

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

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

**Low Structure Vegetation or Open Soils.** Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream. Structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger.

**Maintain.** To cause or allow to continue in existence; when the context indicates, maintain shall mean to preserve and care for a structure, improvement, conditions or landscape area so that it remains

attractive, safe and presentable and carries out the purposes for which it was installed, constructed or required.

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

**Manufactured Dwelling.** The term "Manufactured Dwelling" means:

- 1) Residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- 2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- 3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction and constructed after June 15, 1976;
- 4) Manufactured dwelling does not mean any building or structure subject to the structural specialty code in the one and two-family dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.690 or any unit identified as a recreational vehicle by the manufacturer.

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

**Manufactured Home.** The term "Manufactured Home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction and constructed after June 15, 1976.

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

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

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

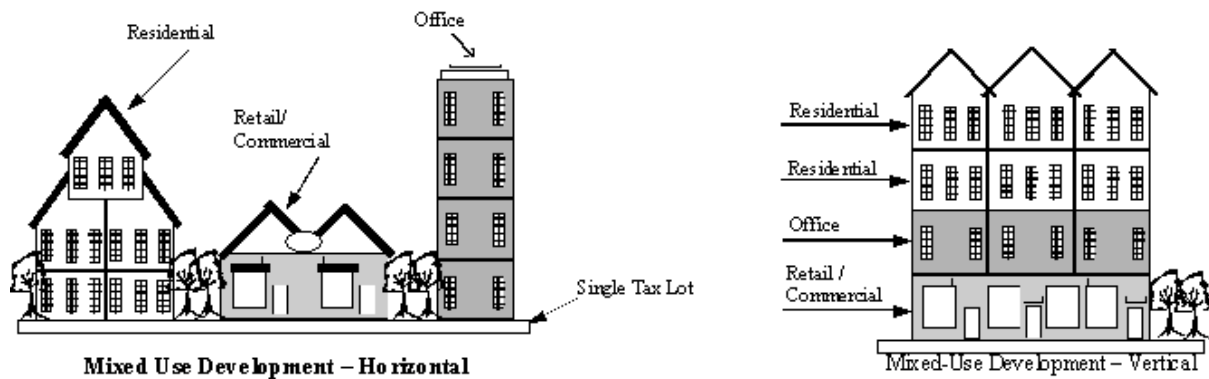
**Medical Center/Hospital.** A medical institution which provides medical and surgical care to patients on an inpatient, outpatient and emergency basis. Accessory uses include administrative offices; food service; medical office buildings and clinics; laboratories; teaching facilities and conference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

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

**Mitigation** - The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.

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

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



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

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

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

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

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

**Multi-family Structure.** A building that is located on a single lot and designed exclusively for occupancy by three (3) or more households living independently of one another.

**Native Vegetation or Native Plant.** Vegetation listed as a native plant on the City of Gresham Native Plant List and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the City of Gresham Native Plant List.

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

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

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

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

**North-south dimension.** The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary.

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

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

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

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

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

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

**Open Space.** Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and parks.

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

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

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

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

**Parcel.** A unit of land legally created in accord with the City of Gresham partition regulations.

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

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

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

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

**Parking Lots.** Pavement/hard surface area used for parking vehicles off-street or beyond the right of way, either free or for a fee, except parking areas for one and two-unit dwellings.

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

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

**Partition Land.** To divide land into two or three parcels of land within a calendar year, but does not include:

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

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

**Pedestrian Facilities.** Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting and benches, which provide for safe, convenient, and attractive walking conditions.

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

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

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

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

**Planter Strip.** The area beginning at the back of the curb or outside edge of the shoulder and extending to the property line, lying within the public right-of-way or on publicly owned property.

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

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

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

**Practicable.** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions. The practicability of a development option shall include consideration of the type of HCA that will be affected by the proposed development. For example, High HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, so it should be more difficult to show that alternative development options that avoid the habitat are not practicable. On the other hand, Low HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat, so it should be less difficult to show that alternative development options that avoid the habitat are not practicable.

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

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

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

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

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

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

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

**Protected solar building line.** A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees.

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

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

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

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

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

**Public Sidewalk.** (See Sidewalk or Public Sidewalk).

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

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

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

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



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

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

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

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

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

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

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

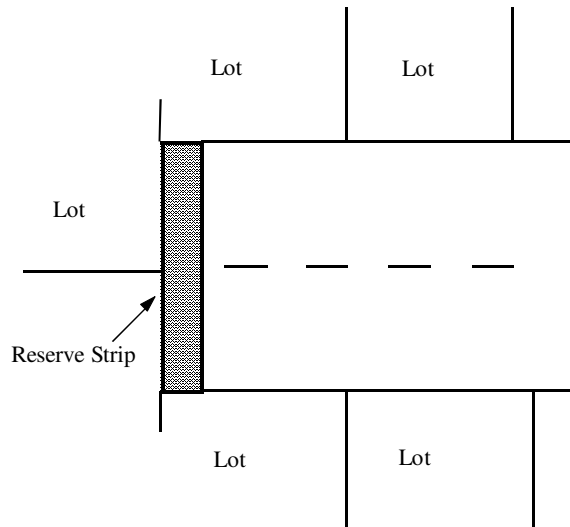
**Redevelopment.** Development that occurs on sites that have previously been developed.

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

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

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

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



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

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

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

- **Adult Foster Home.** A family home or facility in which residential care is provided for in a home-like environment for five or fewer adults who are not related to the provider by blood or marriage as provided by ORS 443.705(1).
- **Registered Residential Facility.** A facility that provides residential care for five or fewer disabled (physical or mental impairment which for the individual constitutes or results in functional limitation to one or more major life activities) or elderly (62 years of age or older) individuals as provided by ORS 443.480 to 443.500.

- **Residential Training Home.** A facility that provides, for five or fewer mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties, when so certified and funded by the Mental Health and Development Disability Services Division as provided by ORS 443.400(8).
- **Residential Treatment Home.** A facility that provides for five or fewer mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by ORS 443.400(10).

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

**Restoration.** The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

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

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

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

**Right-of-Way (ROW).** (See Public Rights-of-Way)

**Riparian.** Those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

- **Class I Riparian Area** – Class I areas are the highest value part of the HCA riparian corridor. Metro found that they provide three to five primary functions in their riparian model used for resource significance. The primary functions to sustain fish and wildlife including 1) microclimate and shade; 2) streamflow moderation and water storage; 3) bank stabilization, sediment and pollution control; 4) large wood and channel dynamics; and 5) organic material services. Class I riparian land features providing these functions include rivers, streams, stream associated wetlands, undeveloped floodplains, forest canopy (one acre or greater) within 100 feet of a stream, and forest canopy within 200 feet of streams on slopes of 25% and greater.
- **Class II Riparian Area** – Class II areas are medium value riparian habitat. Metro found that they provide one to two primary functions to sustain fish and wildlife or a combination of one primary function and one or more secondary functions. Class II riparian habitat includes rivers, streams, a 50 foot area along developed stream segments, forest canopy or low structure vegetation (e.g. grass) within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II areas are elevated to Class I when they contain Habitats of Concern as shown on the Metro Habitats of Concern Map.

**Routine Repair and Maintenance.** Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

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

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

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

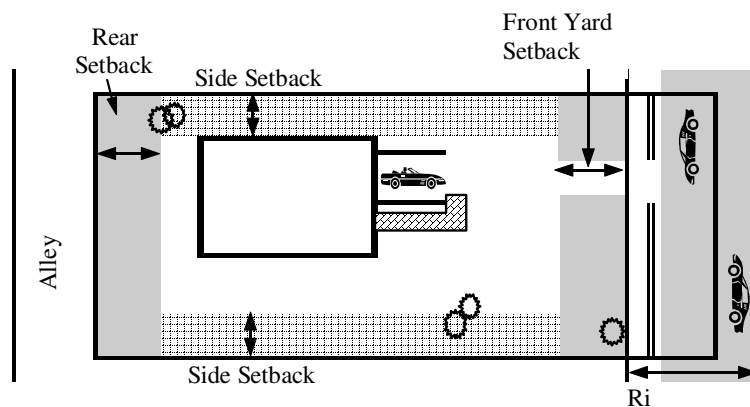
**Satellite Receive-only Antenna.** An antenna which receives television or radio signals from satellites.

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

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

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

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



**Setback Adjustment.** The placement of a building a specified distance away from a road, property line or protected resource.

**Shade.** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

**Shade Point.** The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof.

**Shade Reduction Line.** A line drawn parallel to the northern lot line that intersects the shade point.

**Shade Tree.** A deciduous tree, planted primarily for its high crown of foliage or overhead canopy.

**Shadow pattern.** A graphic representation of an area that would be shaded by the point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south.

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

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

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

**Sign.** Materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from a right-of-way, private roadway or another property. (Specific sign types are defined in Section A6.160 - Sign Definitions)

**Significant Negative Impact.** An impact that affects the natural environment, considered individually or cumulatively with other impacts on the HCA, to the point where existing fish and wildlife habitat functional values are degraded.

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

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

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

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

**Solar Access Development Permit.** A document issued by the City that describes the maximum height that vegetation is allowed to grow on lots to which a development permit for solar access applies.

**Solar Access Height Limit.** A series of contour lines establishing the maximum permitted height allowed for non-exempt vegetation on lots affected by a development permit for solar access.

**Solar Energy Collecting Structure.** An enclosed structure containing habitable living space, attached to a dwelling unit (as authorized in [Section A8.030 - Solar Access](#)), designed for the purpose of collecting and conveying solar energy to the main portion of the dwelling, and meeting the criteria of [Section A8.028](#).

**Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater that includes solar panels. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structure member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.

**Solar Gain Line.** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.

**South or South Facing.** True south, or 20 degrees east of magnetic south.

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

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

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

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

**Statewide Land Use Planning Goal 5.** Oregon's statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.

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

**Steep Slopes.** Steep slopes are those slopes that are equal to or greater than 25%. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary that are available for development.

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

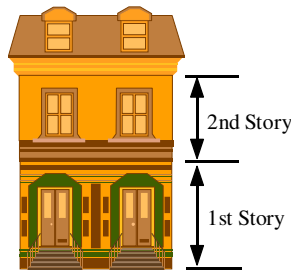
**Stormwater Pre-treatment Facility.** Any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

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

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

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

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



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

**Stream.** A body of running water moving over the earth’s surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

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

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

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

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

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

**Structure.** Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground.

**Structure or Use, Accessory.** A structure or use incidental, and subordinate to, the main structure or use.

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

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

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

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

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

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

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

**Top of Bank.** The same as “bankful stage” defined in OAR 141-85-010.

**Townhouse.** See “Rowhouse.”

**Tract.** Any unit of land.

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

### **Transit Streets and Routes.**

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



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

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

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

**Tree, Buffer.** An evergreen or deciduous tree that has been approved as part of a buffering and screening plan.

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

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

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

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

**Tree, Dripline.** An imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

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

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

**Tree, Hogan Cedar.** A unique form of Thuja plicata, the western red cedar, which grows naturally only in the Gresham area. The population center is located approximately where Hogan Road meets Johnson Creek.

**Tree, Imminent Hazard.** A hazardous tree as defined in Section 3.0010 -- all or more than 30% of which has already fallen or is estimated to fall within 72 hours into the public right of way or onto a target that cannot be protected, restricted, moved, or removed. (See also Tree, Hazard.) Determination of Imminent Hazard is made by the City of Gresham Public Works or Emergency Personnel, a PGE forester, or a consulting arborist as defined in Section 3.0010. (See Arborist, Consulting.)

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

**Tree, Major.** Those trees that have a 12-inch DBH or greater (30-inches DBH for Trees First Policy). Major trees are those that contribute to the landscape character of the area, to include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Major trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

**Tree, Ornamental.** For purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

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

**Tree, Parking Lot.** A tree the location and variety of which was approved as part of a parking lot plan.

**Tree, Perimeter.** A tree located within five feet of an adjacent property line.

**Tree, Protection Plan.** A detailed description of how trees intended to remain after development will be protected and maintained.

**Tree, Pruning.** The cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than 20% of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than 20% of the tree's foliage bearing area.

**Tree, Public.** (See Tree, Park).

**Tree, Regulated.** A tree that has a Diameter at Breast Height (DBH) of 8 inches or greater (i.e., a circumference of approximately 25 inches). (See also Tree, Diameter Breast Height (DBH).) Street Trees, Buffer Trees, and Parking Lot Trees of any size, as well as Significant Trees and Groves, also fall under the general category of "regulated" or protected trees, but are subject to specific standards that may supersede those that pertain only to Regulated Trees as identified by size.

**Tree Removal.** The act of removing a tree by digging up or cutting down, or the effective removal through irreversible damage of roots, stems, or crown, including tree topping.

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

**Tree, Severe Crown Reduction.** The specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (See Tree Topping.)

**Tree (or Grove), Significant.** (Also commonly known as a Heritage Tree or Grove.) A tree or group of trees that have been designated by the City as having unique importance, and subject to the Significant Tree Regulations of Section 9.1000, Tree Regulations, and Appendix 14, Significant Trees. Where a grouping of two or more Significant Trees is clustered on a property or properties, the term Significant Grove is generally used. (See also Stand and Tree, Grove/Tree Group).

**Tree, Street.** Any tree located within the public right-of-way, or any tree located within 10 feet of the public right-of-way where the tree lawn is missing or of inadequate width for tree placement within the right-of-way.

**Tree, Survey.** A drawing that provides the location of all trees having an eight inch or greater DBH plotted by accurate techniques and designates the common or botanical name of those trees, and their DBH.

**Tree, Topping.** The severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal top and disfigure the tree. (See also Tree, Severe Crown Reduction.)

**Tree Well.** A space within a sidewalk or other impervious area that has been created specifically as an area for a tree to grow.

**Trees, Clear Cutting.** See Clear Cutting.

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

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

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

**Urban Development Value.** The economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs ("employment value"), and the Metro 2040 design type designation of property. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map.

**Urban Growth Boundary or UGB.** An urban growth boundary adopted pursuant to ORS Chapter 197.

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

**Use, Accessory.** See "Structure or Use, Accessory."

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

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

**Utility Facilities.** Buildings, structures or any constructed portion of a system which provides for the production, transmission, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pre-treatment facilities.

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

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

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

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

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

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

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

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

**Water-dependent.** A use which can be carried out only on, in, or adjacent to water because it requires access to the water for waterborne transportation or recreation. Water-dependent also includes development, which by its nature, can be built only on, in, or over water. Bridges supported by piers or pillars, as opposed to fill, are water-dependent development.

**Water Feature (Body).** All rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.

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

**Water Quality Resource Area.** An area identified by a city or county as a Water Quality Resource Area in order to comply with Title 3 of Metro's Urban Growth Management Functional Plan, Metro Code sections 3.07.310- 3.07.370.

**Watershed.** A watershed is a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

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

**Wetland.** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Identification and delineation of wetlands must be performed by a qualified wetland

specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region.

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

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

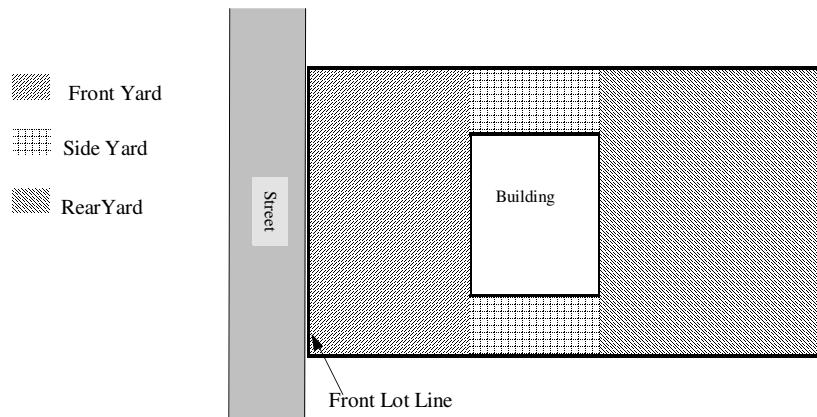
**Woody Vegetation.** Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

**Yard.** A required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front.** A required open space extending the full width of the lot between a building and the front lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

**Yard, Rear.** A required open space extending the full width of the lot between a building and the rear lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

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



# Article IV

## Land Use Districts and Plan Districts

### Section 4.0100

#### Residential Land Use Districts

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##### General

4.0101 Purpose

##### Land Use District Characteristics

4.0110 Low Density Residential-5 (LDR-5)

4.0111 Low Density Residential-7 (LDR-7)

4.0112 Transit Low Density Residential (TLDR)

4.0113 Transition Residential (TR)

4.0114 Moderate Density Residential-12 (MDR-12)

4.0115 Moderate Density Residential-24 (MDR-24)

4.0116 Office / Residential (OFR)

##### Permitted Uses

4.0120 Permitted Uses

##### Land Use District Standards

4.0130 Residential Land Use District Standards

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

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

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

4.0134 Standards for Residential Districts Other than Low Density Residential Districts

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

4.0136 Manufactured Dwelling Requirements

4.0137 Accessory Dwellings

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

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

### General

#### **4.0101 Purpose**

Development on lands designated Low Density Residential-5, Low Density Residential-7, Transit Low Density Residential, Transition Residential, Moderate Density Residential-12, Moderate Density Residential-24, and Office/Residential is permitted when consistent with the provisions of this section and all other applicable requirements of the Community Development Plan.

Some non-residential uses may also be permitted within some of these districts. Areas of the city determined appropriate for the following Residential Land Use District developments are identified on the Community Development Plan Map.

Development of land in the following Residential Land Use Districts is permitted when development proposals are found to comply with the standards of this section and other relevant supplementary requirements of this ordinance.

## Land Use District Characteristics

### **4.0110 Low Density Residential-5 (LDR-5)**

The Low Density Residential-5 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum density of 8.71 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum density of 6.22 units per net acre is required.

### **4.0111 Low Density Residential-7 (LDR-7)**

The Low Density Residential-7 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum density of 6.22 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum density of 4.35 units per net acre is required.

### **4.0112 Transit Low-Density Residential (TLDR)**

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

### **4.0113 Transition Residential (TR)**

The Transition Residential District designation is intended for a mix of single-family detached, single-family attached and duplex housing. It is applied primarily to locations between more intense land use districts (such as those that allow multi-family residential and commercial uses) and less intense land use districts such as LDR-5 and LDR-7. TR provides a transition between these intensities while providing for a variety of housing types. The residential density is 6.2 to 18.2 units per acre.

### **4.0114 Moderate Density Residential-12 (MDR-12)**

The Moderate Density Residential District-12 is primarily intended for attached housing at a maximum net density of 12.1 units per acre and manufactured dwelling parks at a maximum net density of 8.71 units per acre. Manufactured dwelling parks shall be designed in conformance with standards and procedures of the Oregon Department of Consumer and Business Services, Building Codes Division as contained in Oregon Administrative Rules Chapter 918 Div. 600. Where standards of OAR 918-600 conflict with the following standards, the more restrictive standard shall apply.

### **4.0115 Moderate Density Residential-24 (MDR-24)**

The Moderate Density Residential District-24 is primarily intended for attached housing at a maximum net density of 24.2 units per acre and a minimum net density of 12.1 units per acre. Some non-residential uses may also be permitted within this district.

### **4.0116 Office/Residential District (OFR)**

The Office/Residential District is primarily intended for business offices, professional clinics and attached housing at a minimum net density of 8.71 units per acre and a maximum net density of 12.1 units per acre.



## Permitted Uses

### 4.0120 Permitted Uses

Table 4.0120 lists those uses that are permitted in each Residential Land Use District. Permitted uses are designated with a “P”, those uses not permitted are designated “NP”. An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted.

Each of these uses must comply with the land use district standards of Section 4.0130 - 4.0138 and all other applicable requirements of the Community Development Plan.

**Table 4.0120: Permitted Uses In The Residential Land Use Districts**

| USES   | LDR-5          | LDR-7          | TLDR           | TR             | MDR-12                 | MDR-24         | OFR                    |
|--|----------------|----------------|----------------|----------------|------------------------|----------------|------------------------|
| (A) Detached dwellings   | P              | P              | P              | P              | P (on a lot of record) | NP             | P (on a lot of record) |
| (B) Manufactured homes   | P              | P              | P              | P              | P (on lot of record)   | NP             | P (on lot of record)   |
| (C) Manufactured dwelling parks  | NP             | NP             | P              | NP             | P                      | NP             | NP                     |
| (D) Attached dwellings on a single lot   | NP             | NP             | NP             | NP             | P                      | P              | P                      |
| (E) Single family attached dwellings   | NP             | NP             | P <sup>5</sup> | P <sup>5</sup> | P <sup>5</sup>         | P <sup>5</sup> | P <sup>5</sup>         |
| (F) Two-unit attached dwellings  | L <sup>6</sup> | L <sup>6</sup> | P              | L <sup>7</sup> | P                      | P              | P                      |
| (G) Accessory dwellings  | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | NP                     | NP             | NP                     |
| (H) Community services   | P              | P              | P              | P              | P                      | P              | P                      |
| (I) Accessory structures   | P              | P              | P              | P              | P                      | P              | P                      |
| (J) Home occupations   | P              | P              | P              | P              | P                      | P              | P                      |
| (K) Existing grazing, agriculture or horticulture uses   | P              | P              | P              | P              | P                      | P              | P                      |
| (L) Poultry and livestock  | P <sup>2</sup> | P <sup>2</sup> | P <sup>2</sup> | P <sup>2</sup> | P <sup>2</sup>         | P <sup>2</sup> | NP                     |
| (M) Temporary uses   | P              | P              | P              | P              | P                      | P              | P                      |
| (N) Parking or storage of not more than five motor vehicles per dwelling unit  | P              | P              | P              | P              | P                      | NP             | NP                     |
| (O) Residential Facility   | NP             | NP             | NP             | NP             | P                      | P              | P                      |
| (P) Residential Home   | P              | P              | P              | P              | P (On a lot of record) | NP             | P (On a lot of record) |
| (Q) Temporary Health and Hardship Dwellings  | NP             | NP             | NP             | NP             | P <sup>3</sup>         | L <sup>3</sup> | P <sup>3</sup>         |
| (R) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as clothing, computer, and telephone stores | NP             | NP             | NP             | NP             | NP                     | NP             | L <sup>4</sup>         |
| (S) Retail service establishments providing services or entertainment to the general public such as eating and   | NP             | NP             | NP             | NP             | NP                     | NP             | L <sup>4</sup>         |

|   |    |    |    |    |    |    |                |
|---|----|----|----|----|----|----|----------------|
| drinking places and banks   |    |    |    |    |    |    |                |
| (T) Offices & Clinics   | NP | NP | NP | NP | NP | NP | P              |
| (U) Other retail trade and retail service uses which, in the determination of the Manager are pedestrian-oriented | NP | NP | NP | NP | NP | NP | L <sup>4</sup> |

**Table 4.0120 Notes**

- 1 See Section 4.0137
- 2 If kept over 100 feet from any residence other than the dwelling on the same lot except as provided by Section 10.0900.
- 3 See Section 10.1300.
- 4 Limited retail trade, retail services or business services when found to be consistent with the requirements of Section 4.0134.
- 5 Single-family attached dwellings are required to meet density standards of the underlying land use district and applicable site design review criteria of Section 7.0200.
- 6 See Section 4.0131(D).
- 7 Two-unit attached dwellings are allowed only on corner lots. Each unit of the two-unit attached dwelling must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

**Land Use District Standards**

**4.0130 Residential Land Use District Standards**

The development standards listed in Table 4.0130 are applicable to all development within the Residential Land Use Districts. Development within these districts shall also be consistent with all other applicable requirements of the Community Development Code.

**Table 4.0130: Development Requirements For Residential Land Use Districts**

|  | <b>LDR-5<sup>1,2</sup></b>  | <b>LDR-7<sup>1,2</sup></b>  | <b>TLDR</b>  | <b>TR</b>   | <b>MDR-12</b>   | <b>MDR-24</b>  | <b>OFR</b>                                |
|--|---|---|--|---|---|--|---|
| <b>(A) Minimum Site Size</b>                     | None  | None  | None, except 20,000 square feet for manufactured dwelling park <sup>13</sup>   | <b>None</b>   | <b>Attached dwellings:</b><br>7,200 square feet<br><b>Manufactured dwelling parks:</b><br>20,000 square ft.   | 11,000 square feet   | 7,200 square feet                         |
| <b>(B) Minimum Lot Size:</b>                     |   |   |  |   |   |  |   |
| <b>Detached dwelling unit manufactured home:</b> | 5,000 square feet <sup>15</sup>                                   | 7,000 square feet   | None   | 4,000 square feet   | Not Applicable  | Not Applicable   | Not Applicable                            |
| <b>Single family attached dwellings:</b>         | Not Applicable  | Not Applicable  | None   | 2,400 square feet   | 3,600 square feet   | No minimum lot size  | 3,600 square feet                         |
| <b>Two-unit attached dwelling (duplex):</b>      | Not Applicable  | Not Applicable  | None   | 7,000 square feet   | 7,200 square feet   | 3,600 square feet  | 7,200 square feet                         |
| <b>(C) Density:</b>                              |   |   |  |   |   |  |   |
| <b>(1) Minimum Density</b>                       | 1 unit per 7,000 square feet <sup>14</sup>                        | 1 unit per 10,000 square feet <sup>14</sup>                       | 1 unit per 4,356 square feet of land area. <sup>14</sup><br><b>Manufactured dwelling park:</b><br>1 unit per 6,223 square feet | 1 unit per 7,000 square feet <sup>14</sup>  | <b>Attached dwellings:</b><br>1 unit per 5,000 square feet of land area <sup>4</sup><br><b>Manufactured dwelling park:</b><br>1 unit per 11,500 sq. ft. | 1 unit per 3,600 square feet of land area <sup>5</sup>                         | 1 unit per 5,000 square feet of land area |
| <b>(2) Maximum Density</b>                       | 1 unit per 5,000 square feet. Also See <u>Section 4.0131(A)</u> . | 1 unit per 7,000 square feet. Also See <u>Section 4.0131(A)</u> . | 1 unit per 2,178 square feet of land area<br><b>Manufactured dwelling park:</b><br>1 unit per 3,111 square feet                | Sites less than 1.5 acres: 1 unit per 2,400 s.f.<br>Sites greater than 1.5 acres: 1 unit per 3,000 s.f. | <b>Attached dwellings:</b><br>1 unit per 3,600 square feet of land area<br><b>Manufactured dwelling park:</b><br>1 unit per 5,000 square feet           | 1 unit per 1,800 square feet of land area<br>Also See <u>Section 4.0134(E)</u> | 1 unit per 3,600 square feet of land area |

**Table 4.0130: Development Requirements For Residential Land Use Districts, continued**

|  | <b>LDR-5<sup>1,2</sup></b>  | <b>LDR-7<sup>1,2</sup></b>  | <b>TLDR</b>  | <b>TR</b>  | <b>MDR-12</b>   | <b>MDR-24</b>  | <b>OFR</b>                               |
|--|---|---|--|--|---|--|--|
| <b>(D) Minimum Lot Dimensions</b><br><br>(1) Width at building line<br>(a) Interior lot<br>(b) Corner lot<br>(2) Depth<br>(a) Interior lot<br>(b) Corner lot | <b>Single Family detached:</b><br>(1a) 35 feet<br>(1b) 40 feet<br>(2a) 70 feet<br>(2b) 70 feet; | <b>Single Family detached:</b><br>(1a) 40 feet<br>(1b) 40 feet<br>(2a) 70 feet<br>(2b) 70 feet; | None, except single-family attached shall be as per MDR-24 single-family attached                    | <b>Single Family detached and Two-unit Attached:</b><br>(1a) 35 feet<br>(1b) 40 feet<br>(2a) 70 feet<br>(2b) 70 feet;<br><br><b>Single Family Attached:</b><br>(1)(a)(16) feet <sup>7</sup><br>(b) Corner lot <sup>8</sup><br>(2) 0 feet | <b>All uses except Single-family and Two-unit Attached:</b><br>(1a) 65 feet<br>(1b) 70 feet<br><br>(2a) 90 feet<br>(2b) 100 feet.<br><b>Single Family Attached Dwellings and Two-unit Attached:</b><br>(1)(a) 16 feet <sup>7</sup><br>(b) Corner lot <sup>8</sup><br>(2) 0 feet | <b>All uses except Single-family and Two-unit Attached:</b><br>(1)(a) 60 feet<br>(b) 70 feet<br>(2) 100 feet<br><b>Single Family Attached Dwellings and Two-unit Attached:</b><br>(1)(a) 16 feet <sup>7</sup><br>(b) Corner lot <sup>8</sup><br>(2) 0 feet | (1a) 60 feet<br>(1b) 70 feet(2) 100 feet |
| <b>(E) Minimum Yard Setback</b>  | See Table 4.0130(E). See Section 4.0138 for infill setback standards.                           | See Table 4.0130(E). See Section 4.0138 for infill setback standards                            | See Table 4.0130(E) -page [4.01]-8 <sup>12</sup><br>See Section 4.0138 for infill setback standards. | See Table 4.0130(E). See Section 4.0138 for infill setback standards   | See Table 4.0130(E) - page [4.01]-8   | See Table 4.0130(E) -page [4.01]-8   | See Table 4.0130(E) - page [4.01]-8      |

**Table 4.0130: Development Requirements For Residential Land Use Districts, continued**

|   |   |  |  |  |  |  |  |
|---|---|--|--|--|--|--|--|
| <p><b>(F) Maximum Building Height</b></p>             | <p>35 feet.<br/>See <u>Section 10.1100</u> for shoreline height standards.<br/><br/>See Section 4.0138 for infill height standards.</p> | <p>35 feet.<br/><br/>See Section 4.0138 for infill height standards.</p> | <p>35 feet.<br/><br/>See Section 4.0138 for infill height standards.</p> | <p>35 feet.<br/><br/>See Section 4.0138 for infill height standards.</p> | <p>35 feet.</p>  | <p><b>Single family attached dwellings:</b><br/>35 feet.<br/>Other attached dwellings: 3 stories or 40 feet. Also see <u>Sec. 4.0134(A)</u>.</p>   | <p>35 feet.<br/>See <u>Section 4.0134(C)</u>.</p>  |
| <p><b>(G) Height Transition</b></p>                   | <p>See <u>Section 9.0600</u> for applicability.</p>   | <p>See <u>Section 9.0600</u> for applicability.</p>                      | <p>See <u>Section 9.0600</u> for applicability.</p>                      | <p>See <u>Section 9.0600</u> for applicability.</p>                      | <p>See <u>Section 9.0600</u> for applicability.</p>  | <p>See <u>Section 9.0600</u> for applicability.</p>  | <p>See <u>Section 9.0600</u> for applicability.</p>  |
| <p><b>(H) Minimum Street Frontage<sup>9</sup></b></p> | <p>35 feet.<br/>Corner lots: 40 feet<sup>3</sup></p>  | <p>40 feet.</p>  | <p>See Table Note 11.</p>  | <p>See Table Note 11.</p>  | <p>45 feet, except:<br/><br/><b>Single family attached dwellings:</b> 16 feet<br/><br/><b>Single-family attached on a corner lot:</b> varies depending on access.<sup>3</sup><br/><br/><b>Attached dwellings on a single lot:</b> 45 feet.</p> | <p><b>Attached dwelling units on a single lot:</b> 45 feet<br/><br/><b>Single-family attached dwellings:</b> 16 feet.<br/><br/><b>Single family attached on a corner lot:</b> varies depending on access<sup>3</sup></p> | <p>Not Applicable, except:<br/><br/><b>Single family attached dwellings:</b> 16 feet.<br/><br/><b>Single family attached on a corner lot:</b> varies depending on access<sup>3</sup></p> |

**Table 4.0130: Development Standards For Residential Land Use Districts, continued**

|   | <b>LDR-5<sup>1,2</sup></b>               | <b>LDR-7<sup>1,2</sup></b>               | <b>TLDR</b>  | <b>TR</b>                                | <b>MDR-12</b>                               | <b>MDR-24</b>                               | <b>OFR</b>                                  |
|---|--|--|--|--|---|---|---|
| <b>(I) Public Facilities. Site and Supplementary Requirements</b> | See <u>Section 4.0132(F)</u>             | See <u>Section 4.0132(F)</u>             | See <u>Section 4.0132(F)</u>                       | See <u>Section 4.0132(F)</u>             | See <u>Section 4.0134(F)</u>                | See <u>Section 4.0134(F)</u>                | See <u>Section 4.0134(F)</u>                |
| <b>(J) Commercial Development</b>                                 | Not Applicable                           | Not Applicable                           | Not Applicable                                     | Not Applicable                           | Not Applicable                              | Not Applicable                              | See <u>Section 4.0134(B)</u>                |
| <b>(K) Limited retail trade, retail</b>                           | Not Applicable                           | Not Applicable                           | Not Applicable                                     | Not Applicable                           | Not Applicable                              | Not Applicable                              | See <u>Section 4.0134(B)</u>                |
| <b>(M) Off Street Parking</b>                                     | See <u>Section 9.0800</u>                | See <u>Section 9.0800</u>                | See <u>Section 9.0800<sup>12</sup></u>             | See <u>Section 9.0800</u>                | See <u>Section 9.0800</u>                   | See <u>Section 9.0800</u>                   | See <u>Section 9.0800</u>                   |
| <b>(N) Safe Neighborhood Design Performance Standards</b>         | See <u>Section 4.0132(D)</u>             | See <u>Section 4.0132(D)</u>             | See <u>Section 4.0132(D)<sup>12</sup></u>          | See <u>Section 4.0132(D)</u>             | Applicable for single family attached units | Applicable for single family attached units | Applicable for single family attached units |
| <b>(O) Buffers</b>  | See Buffer Matrix, <u>Section 9.0100</u> | See Buffer Matrix, <u>Section 9.0100</u> | See Buffer Matrix, <u>Sec. 9.0100<sup>12</sup></u> | See Buffer Matrix, <u>Section 9.0100</u> | See Buffer Matrix, <u>Section 9.0100</u>    | See Buffer Matrix, <u>Section 9.0100</u>    | See Buffer Matrix, <u>Section 9.0100</u>    |
| <b>(P) Infill Development Standards</b>                           | See <u>Section 4.0138.</u>               | See <u>Section 4.0138.</u>               | See <u>Section 4.0138.</u>                         | See <u>Section 4.0138.</u>               | Not Applicable                              | Not Applicable                              | Not Applicable                              |

**Table 4.0130 Notes:**

- <sup>1</sup> Refer to Section 4.0131(D).
- <sup>2</sup> Refer to Section 4.0132(C).
- <sup>3</sup> As measured from the corner radius end point to the property corner 25 feet if there is an alley or shared access and 32 feet if there is no alley or shared access.
- <sup>4</sup> This does not apply to lots of record less than 7,200 square feet.
- <sup>5</sup> This does not apply to lots of record less than 11,000 square feet in size.
- <sup>6</sup> This does not apply to lots of record less than 20,000 square feet in size.
- <sup>7</sup> Single family attached dwelling lots of less than 22 feet width shall take access from an alley or from a shared access.
- <sup>8</sup> Abuts an alley = 16 feet; shared access = 25 feet; no alley or shared access = 42 feet
- <sup>9</sup> A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- <sup>10</sup> Parking stalls, aisles and maneuvering areas not allowed in setbacks.
- <sup>11</sup> All permitted uses except single family attached dwellings: 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner. Single family attached dwellings: 16 feet, except corner lots shall be 25 feet as measured from the corner radius end point to the property corner if there is

an alley or shared access, and 32 feet from the corner radius end point to the property corner if there is no alley or shared access. A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.

- 12 For manufactured dwelling parks this provision is replaced by the requirements of Section 7.0211.
- 13 The minimum site size standard of Table 4.0130 shall be satisfied prior to issuance of a development permit for manufactured dwelling parks.
- 14 The minimum density standards do not apply to the partition of parent parcels of 20,000 net square feet or less in LDR-5, LDR-7 and TR Districts and the partition of parent parcels of 13,000 net square feet or less in the TLDR District
- 15 In addition to meeting applicable land division application requirements, a subdivision proposal within the LDR-5 District that includes one or more lots of less than 6,000 square feet shall be applied for and processed as a Planned Development (PD), pursuant to Section 6.0300.

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

| <u>Single Family Detached:</u><br>[6] | FRONT                 |             |         | SIDE   |  |                        |                         |                                    | REAR              |                        |
|---------------------------------------|-----------------------|-------------|---------|--|--|------------------------|-------------------------|------------------------------------|-------------------|------------------------|
|                                       | Front Facade/<br>Wall | Front Porch | Garage  | Interior Side<br>(Not Zero or<br>Common<br>Wall) | Zero Lot<br>Line<br>Option                             | Street<br>Side<br>Wall | Street<br>Side<br>Porch | Street<br>Side<br>Garage<br>Access | Rear/ No<br>Alley | Rear/<br>With<br>Alley |
| <u>LDR-5</u><br>[1]                   | 10 feet               | 6 feet      | 20 feet | 5 feet   | 6 inches on<br>zero/<br>6 feet on<br>other side<br>[8] | 10 feet                | 6 feet                  | 20 feet                            | 15 feet           | 6 feet                 |
| <u>LDR-7</u><br>[1]                   | 10 feet               | 6 feet      | 20 feet | 5 feet   | 6 inches on<br>zero/<br>6 feet on<br>other side<br>[8] | 10 feet                | 6 feet                  | 20 feet                            | 15 feet           | 6 feet                 |
| <u>TLDR</u><br>[1]                    | 10 feet               | 6 feet      | 20 feet | 5 feet   | 6 inches on<br>zero/<br>6 feet on<br>other side<br>[8] | 10 feet                | 6 feet                  | 20 feet                            | 15 feet           | 6 feet                 |
| <u>TR</u><br>[1]                      | 10 feet               | 6 feet      | 20 feet | 5 feet   | 6 inches on<br>zero/<br>6 feet on<br>other side<br>[8] | 10 feet                | 6 feet                  | 20 feet                            | 15 feet           | 6 feet                 |
| <u>MDR-12</u>                         | 10 feet               | 10 feet     | 20 feet | 10 feet  | NA   | 20 feet                | 20 feet                 | 20 feet                            | 15 feet           | NA                     |
| <u>OFR</u>                            | 10 feet               | 10 feet     | 20 feet | 10 feet  | NA   | 20 feet                | 20 feet                 | 20 feet                            | 15 feet           | NA                     |

|   |                |               |               |         |    |               |               |                |         |         |
|---|----------------|---------------|---------------|---------|----|---------------|---------------|----------------|---------|---------|
| <b><u>Single Family Attached:</u></b><br><b>[2] [3] [6]</b> |                |               |               |         |    |               |               |                |         |         |
| <u>TLDR</u>   | 10 feet        | 6 feet        | 20 feet       | 5 feet  | NA | 6 feet        | 6 feet        | 20 feet        | 10 feet | 6 feet  |
| <u>TR</u>   | 10 feet        | 6 feet        | 20 feet       | 5 feet  | NA | 6 feet        | 6 feet        | 20 feet        | 10 feet | 6 feet  |
| <u>MDR-24,</u><br><u>MDR-12,</u><br><u>OFR</u>              | 10 feet        | 6 feet        | 20 feet       | 5 feet  | NA | 6 feet        | 6 feet        | 20 feet        | 10 feet | 6 feet  |
| <b><u>Attached Dwellings:</u></b><br><b>[2] [3] [4] [6]</b> |                |               |               |         |    |               |               |                |         |         |
| <u>MDR-12</u>   | 10 feet<br>[5] | NA<br>[5]     | NA [2]<br>[5] | 10 feet | NA | 5 feet<br>[5] | 5 feet<br>[5] | 20 feet<br>[5] | 15 feet | 15 feet |
| <u>MDR-24</u>   | 10 feet<br>[5] | 6 feet<br>[5] | NA [2]<br>[5] | 10 feet | NA | 5 feet<br>[5] | 5 feet<br>[5] | 20 feet<br>[5] | 15 feet | 15 feet |
| <u>OFR</u>  | 10 feet<br>[5] | NA<br>[5]     | NA [2]<br>[5] | 10 feet | NA | [5]           | NA<br>[5]     | NA<br>[5]      | 15 feet | 15 feet |

**Table 4.0130(E) Notes:**

- [1] See Section 10.0200 for setbacks of detached accessory structures and for setbacks of attached and detached patio covers in LDR-5, LDR-7, TLDR and TR.
- [2] Buffering and Screening Standards of Section 9.0100 may apply.
- [3] Height Transition Standards of Section 9.0600 may apply.
- [4] 20 foot minimum distance between major structures on same lot, except for non-single family attached rowhouse style dwellings on the same lot where a minimum of 10 feet in between major structures (side to side) will be required. Detached carports and detached garages are not major structures. See Section 10.0200 for accessory structure setback standards.
- [5] Maximum front and street-side setbacks apply as provided for the Corridor Multi-Family District in Table 4.0430 and Section 4.0433(B).
- [6] For double-fronted lots, each street frontage shall be considered a front yard in terms of setback requirements (except when one of the frontages is an alley or private accessway, in which case that yard will be the rear).
- [7] In cases where sidewalk access is provided by easement, the setback shall be measured from the easement line closest to the house or garage per Table 4.0130(E).
- [8] The Zero Lot Line option may only be employed on a lot designated as a zero lot line lot through a land division approval. See Section 4.0132(A)(3).
- [9] Setbacks for single family attached units are identified in Table 7.0201(M)(3)(a).



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

##### **(A) Average Density**

- (1) Accessory dwellings are not included in the determination of density nor are dedicated streets or tracts created for non-dwelling unit purposes such as open space tracts, except where transfer of density from the tract to the remainder of the site is allowed by a Special Purpose Overlay District.

A new lot created with a pre-existing dwelling on it may be excluded from the density calculation only if this new lot is less than 8,400 square feet or if the dwelling sits on a “leftover parcel” as described within Section 4.0132(E).

- (2) If a phased subdivision is proposed the average lot size of the first phase is calculated as provided in (1) above. The average lot size of subsequent phases is calculated as provided in (1) above for the lots in the phase under consideration plus the lots in the previous phase(s).
- (3) A platted lot which was created pursuant to average lot size requirements in (1) above may not be further divided unless the application demonstrates that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat.
- (4) A lot line adjustment is allowed. However, an lot line adjustment application for a lot consolidation shall also demonstrate that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat.
- (5) A platted lot which was created pursuant to average lot size requirement in (1) above and designated as a two-unit attached dwelling may not be developed with a single dwelling unless a Type I application is made which contains the data required in the Community Development Code, Section 6.0110 and which demonstrates that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat. If the application is approved, the applicant shall provide a final map meeting the requirements of Community Development Code, Section 6.0111.
- (6) A lot created for a pre-existing dwelling (if not included in the average lot size calculation) shall be so designated on the final plat for the land division.

##### **(B) Public Alley and Lot Area:**

When a lot abuts a public alley an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the average lot size requirement for the abutting lot. It may also be used in calculating the average lot size.

- (C) Development of a Lot of Record in LDR-5: A lot of record which is less than 5,000 square feet may be developed for all uses permitted in the LDR-5 District when in compliance with the other requirements of the LDR-5 District.
- (D) Development of Two-Unit Attached Dwellings on a Lot Created under standards in effect Prior to December 19, 1996:

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

- (1) It is 8,000 square feet or more in size and any portion is located within 275 feet of an arterial street; or

- (2) It is designated on a recorded plat as a two-unit attached dwelling lot.
- (E) Development of a Lot of Record in LDR-7: A lot of record which is less than 7,000 square feet may be developed for all uses permitted in the LDR-7 District when in compliance with the other requirements of the LDR-7 District.

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

(A) Yard Setbacks for Detached Dwellings

- (1) Refer to Table 4.0130(E) on Page [4.01]-8 for setbacks of single-family detached dwellings.
- (2) See Section 10.0200 for yard setback requirements for detached accessory structures and for attached and detached patio and deck covers.
- (3) Zero lot line special side yard setback conditions:
  - (a) For an adjacent lot, the yard abutting the 6 inch side shall be a minimum of 6 feet.
  - (b) A zero lot line side yard setback shall not be employed where the abutting property is not part of a zero lot line development. When the zero lot line cannot be employed, the structure shall be a minimum of 5 feet from the interior side yard property boundary.
  - (c) All side yard setbacks in a zero lot line development shall be clearly indicated on each lot for both the tentative partition or subdivision plan and final partition or subdivision plat.
  - (d) A perpetual six foot maintenance and general utility easement shall be provided on the lot adjacent to the zero lot property line. This easement shall be kept clear of structures or any other object which could physically preclude access to areas within the easement for utilities access and for maintenance of the wall on the zero lot line side of the structure.

(B) Yard Setbacks for Single-Family Attached Dwellings

Refer to Table 4.0130(E) and Table 7.0201(M)(3)(a) for setbacks of single-family attached dwellings.

(C) Maximum number of units per lot:

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

(D) Safe Neighborhood Design Performance Standards

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions are encouraged for all new LDR-5, LDR-7, TLDR, and TR District dwelling construction but shall only be required for a lot in LDR-5, LDR-7, TLDR, and TR or lots proposed for single-family attached dwellings in other districts that had an application submitted for a preliminary plan under the standards in effect on or after December 19, 1996.

- (1) Visible Dwelling Front. The front door shall be oriented towards the street which the dwelling faces. At least 75% of that street frontage shall be visible from 1) the front door; or 2) a street facing ground floor window (except a garage window); or 3) a street facing second story, minimum four foot by four foot window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill. This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to Section 10.1520 may use a private drive or future street to comply with this provision.
- (2) Street Pedestrian Connection Options. At least one of the following shall be provided:
  - (a) Separate Walkway. A separate, minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
  - (b) Combined Walkway. A minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of the garage door.
- (3) Street Surveillance Options. At least one of the following shall be provided:
  - (a) Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed at or immediately adjacent to the front door; or
  - (b) Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony or deck is placed on the front of the dwelling; or
  - (c) Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - (d) Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
- (4) Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.
- (5) Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet.

(E) Land Divisions with Left-Over Parcels

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

Parcels created under this provision may not be developed until:

- (a) Lots are created pursuant to Article VI - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7, TLDR and TR Districts (as appropriate) and other applicable provisions of the Community Development Code; or
- (b) Approved for a Community Service Use pursuant to Section 8.0100 - Community Services.

The applicant shall file a note of the plat or other documents in the office of the County Recorder that such left-over parcel(s) shall not be developed until lots are created pursuant to Article VI - Land Divisions, which are consistent with the standards of the LDR-5, LDR-7, TLDR and TR Districts (as appropriate) and other applicable provisions of the Community Development Plan; or approved for a Community Service Use pursuant to Section 8.0100 - Community Services.

- (F) All developments shall also be subject to the applicable requirements of Section 4.0130; Article IX - Common Requirements; and Section A5.000 - Public Facilities.

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

- (A) If a phased development or subdivision is proposed for a development that includes single family attached dwellings, the first phase shall conform to density requirements without consideration of subsequent phases. Later phases shall conform to density requirements consistent with previous phases and density standards.
- (B) All developments that include single family attached dwellings shall receive both land division approval to create lots for the single family attached dwellings as required in Article VI, and site design review approval as required in Article VII.

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

#### **4.0134 Standards for Residential Districts Other Than Low Density Residential Districts**

- (A) Building Height requirements for MDR-24 District

Three stories or 40 feet unless equipped with built-in fire protection systems. When fire sprinklers, alarms, and, when needed, enclosed, pressurized exit stairwell systems are provided, the building height can be increased to 45 feet.

- (B) Limited retail trade, retail service or business services in OFR District

Limited retail trade, retail service or business services are permitted in office complexes when all of the following standards are met:

- (1) The uses are scaled to service the tenants of the office complex or surrounding office area.
- (2) The uses do not exceed 20% of the total office floor area of a new or existing structure.
- (3) The commercial uses are not developed prior to the office uses on which the 20% area is based.
- (4) Siting and signage are internally oriented.

- (C) Moderate Density Residential District-12: A lot of record which is less than 10,000 square feet may be developed for all uses permitted in this district, except a manufactured dwelling park when in compliance with the other requirements of the Moderate Density Residential-12 District.

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

record which is less than 11,000 square feet when in compliance with the following density requirements:

- (1) Minimum net density = a two-unit attached dwelling
  - (2) Maximum net density = 1 unit per 1,800 square feet of land area
- (E) Office/Residential District: A lot of record which is less than 7,200 square feet may be developed for all uses permitted in this district, except an attached dwelling when in compliance with the other requirements of the Office/Residential District.
- (F) All developments shall also be subject to the applicable requirements of Section 4.0130; Article IX- Common Requirements; and Section A5.000 - Public Facilities.

#### **4.0135 Single Family and Two-Unit Attached Dwellings Construction on a Lot**

- (A) The construction of a detached dwelling or manufactured home, two-unit attached dwelling in an LDR-5, LDR-7 or TLDR District, or single family attached dwelling in the TLDR District on a lot within an approved land division where sewer lines, water lines, storm drainage facilities, and streets are constructed to the city standards that were in effect when the land division was approved, and (in the case of single family attached dwellings in TLDR) an active site design approval is in effect or the land division predated said requirement, shall be reviewed under the Type I procedure to determine if the proposal meets the site development requirements in Standards Section 4.0130 or in the Variation to Development Standards of Section 6.0321 (Planned Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.
- (B) The construction of a single family dwelling or manufactured dwelling or two-unit attached dwelling or single family attached dwelling that does not meet the requirements of Subsection (A) shall also be reviewed under the Type I procedure except that this review shall focus on street and utility requirements for new construction as per Section A5.000.
- (C) Except as provided by Section A4.003, the Manager may approve alterations to existing single family dwellings under the Type I procedure. The proposal need not comply with Section A5.000 of the Community Development Code. If the application for an alteration to a single family dwelling is processed with another development permit application, all the standards of the Community Development Code shall apply.

#### **4.0136 Manufactured Dwelling Requirements**

- (A) An application for a development permit for a manufactured dwelling shall provide proof that the proposed manufactured dwelling meets the definition of manufactured dwelling as stated in this code.
- (B) The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (C) The manufactured dwelling shall be placed on, and attached to, an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 12 inches above grade.

The measurement is taken from the top of the foundation to grade. In the case of a sloped lot the foundation may be stepped down with a maximum of 30" of masonry exposed. Supporting framing material shall have coverings of siding material matching the siding material of the manufactured dwelling.

- (D) The manufactured dwelling shall have a pitched roof with a nominal slope of at least 3 feet in height for each 12 feet of width.
- (E) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State’s building code as defined in ORS 455.010.
- (F) The manufactured dwelling shall have a garage or carport with exterior materials matching the manufactured dwelling.

**4.0137 Accessory Dwellings**

The establishment of an accessory dwelling unit may be allowed in conjunction with single family dwellings. Accessory dwellings may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others. Accessory dwellings can encourage additional density with minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; provide convenient care for the elderly and infirm on a long-term basis; and allow more energy-efficient use of large, older homes. Refer to Section 10.0100 for Accessory Dwelling development requirements.

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

- (A) Purpose. The infill lot standards are intended to provide safe, connected neighborhoods at a compatible scale supported by public street systems and to establishing special height, bulk and setback requirements.
- (B) Standards for Infill Development.

The following standards apply to infill development. Infill development for the purposes of this section shall include new residential development which is on Infill Lots or Parcels as defined in Section C, below.

In addition, the Manager may require compliance with these standards by future development as a condition of approval for any land division which abuts existing single family residential development and which requires an adjustment or variance pursuant to 10.1500. When required, findings must support compliance with infill standards as a condition of approval in order to help preserve the character of existing residential neighborhoods.

- (1) Residential Floor Area Ratio (FAR). In order to preserve the residential character of existing neighborhoods and limit the mass of residential buildings in relation to the lot area, the following floor area standards are established:

- (a) Residential Building Size Standard. The floor area on any lot proposed for residential development shall not exceed the following (see Figure A12.002, Appendix 12.000):

Lots with less than 4,000 square feet of effective lot area – 60 percent of the effective lot area.

Lots with 4,000 to 8,000 square feet of effective lot area – 2,000 square feet plus 10 percent of the effective lot area.

Lots with greater than 8,000 square feet of effective lot area – this standard does not apply.

- (b) For the purposes of this section, “floor area” does not include unenclosed areas such as decks or porches and up to 500 square feet of garage space.

- (c) Effective Lot Area. As used in Section 4.0138, “effective lot area” is the gross horizontal area of a lot minus any portion of the lot encumbered by an access easement, including the pole of a flag lot (see Figure A12.003, Appendix 12.000).
- (2) Front Yard Setback for Flag Lots.
    - (a) Temporary Flag Lots. Where a future street is identified abutting the parcel, the front yard setback shall be on the future street side.
    - (b) Permanent Flag Lots. Applicant may choose the front yard for a permanent flag lot.
  - (3) Building Height Setback (Rear and Side Yards). To provide compatible building scale and privacy between developments, taller buildings shall set back further to create a building height transition to neighboring residence(s). (See Figure A12.005, Appendix 12.000).
    - (a) This standard applies to new infill development over 20 feet in height.
    - (b) For every foot of height over 20 feet, an additional six (6) inches of setback shall be added to the standard rear and/or side yard setback required by Table 4.0130 E. The additional setback(s) shall only be required along those property lines that are shared with existing or planned single family residence(s).
    - (c) Porches, bay windows and decks may intrude into the required additional setbacks provided they are less than 20 feet in height.
  - (4) Residential Infill Design Guidelines. The City shall prepare residential infill design guidelines, which address building compatibility and privacy concerns, and shall encourage applicants to apply these design guidelines to proposed infill development.
- (C) Infill Lots and Parcels.
- (1) Definition. Infill Lots and Parcels are those existing or proposed lots or parcels in LDR-5, LDR-7, TLDR or TR that are non-standard. A non-standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.
  - (2) In addition to the other requirements of the Development Code, the creation of new infill lots and parcels shall be subject to the standards below:
    - (a) Flag Lot Standards:  
Flag lots shall require a Type II Adjustment pursuant to Section 10.1520, Reduction in Minimum Street Frontage. In addition, the following standards and criteria shall apply:
      - (1) Permanent flag lots may be created only when mid-block streets or alleys cannot be extended to serve future development. Implementation of a Future Street Plan, pursuant to Section 9.0700, identifying mid-block streets shall be required whenever practicable as an alternative to approving a permanent flag lot (see Figure A12.006, Appendix 12.000).  
  
For the purposes of this section “whenever practicable” shall mean other than as prevented by a topographic or natural feature, a transportation or public facility (e.g., an existing roadway, rail line, or school), or other feature of a fixed nature. Existing dwellings, other than those on the Gresham Historic and Cultural Overlay District or National Register, existing lot patterns, and financial inability or lack of willing participants shall not preclude a Future Street Plan if future redevelopment and lot consolidation is possible.

- (2) Interim flag lots may be allowed in conjunction with an approved Future Street Plan in order to allow infill development to occur prior to construction of the future street.
- (3) A flag lot driveway (i.e., flag pole) may serve no more than two (2) flag lots. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area (see Figure A12.001, Appendix 12.000).
- (4) Driveway width. All driveways serving flag lots shall have a minimum travel lane width of 12 feet and a minimum planter strip width of 3 feet. The planter strip shall be located between the pole portion of the flag lot and the neighboring parcel(s) and shall extend the length of the driveway (See Figure A12.001, Appendix 12.000). The maximum width is 20 feet, except as required by the Uniform Fire Code.
- (5) Maximum driveway length. The maximum driveway length is subject to requirements of the Uniform Fire Code and shall not exceed 150 feet.
- (6) Density. Flag poles or flag pole easements shall be considered not buildable and shall not be included in average lot size calculations. Density shall be based on effective lot area. (See Figure A12.003, Appendix 12.000).
- (7) Additional Requirements for Interim Flag Lots.
  - (a) Interim flag lots shall have standard street frontage onto the proposed future street and shall take access from the future street upon its completion.
  - (b) If an interim flag pole is not part of a planned future street, then it shall be provided via an easement and said easement shall revert to the property owner upon completion of the planned future street.
  - (c) Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop.
  - (d) Future Street Dedication, Improvement and Non-remonstrance Agreements. The applicant/owner may be required to dedicate right-of-way to support a future street plan. The dedication shall be so indicated on the face of the subdivision or partition plat. Pursuant to Section A5.408, street improvements shall be made consistent with public works standards and subject to the requirements of the Uniform Fire Code. An improvement agreement or non-remonstrance agreement may be required to ensure future improvements or participation in a Local Improvement District.

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

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



- (2) The minimum lot size in a large lot subdivision shall be 8,000 square feet.
- (3) Large lot subdivisions are restricted to detached single-family dwellings.
- (4) Minimum lot dimensions/yard setbacks:

Minimum lot dimensions:

Lot width at building line  
(interior and corner lots): 50 feet

Lot depth (interior and corner lots): 100 feet

Minimum front yard setback:

All structures: 20 feet

Minimum side yard setbacks:

Interior side: 7.5 feet

Street side wall: 15 feet

Street side porch: 9 feet

Street side garage access: 20 feet

Minimum rear yard setbacks:

Rear (no alley): 25 feet

Rear (with alley): 9 feet

- (5) Unless otherwise noted above, all other LDR-5 or LDR-7 standards and requirements apply to large lot subdivisions.

## **Section 4.0200**

### **Commercial Land Use Districts**

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#### General

4.0201 Purpose

#### Land Use District Characteristics

4.0210 Neighborhood Commercial District (NC)

4.0211 General Commercial District (GC)

4.0212 Central Rockwood and Corridor Districts

#### Permitted Uses

4.0220 Permitted Uses

4.0221 Other Permitted Uses

#### Commercial Land Use District Standards

4.0230 Commercial Land Use District Standards

4.0231 Additional Commercial Land Use District Standards

### **General**

#### **4.0201 Purpose**

Development on lands designated Neighborhood Commercial, General Commercial, Extensive Commercial and Exclusive Commercial Districts is permitted when consistent with the provisions of this section and all other applicable requirements of the Community Development Code.

### **Land Use District Characteristics**

#### **4.0210 Neighborhood Commercial District (NC)**

The Neighborhood Commercial District is intended to provide for small to medium sized shopping and service facilities and limited office uses adjacent to residential neighborhoods. The district is intended to meet the shopping and service needs of the immediate neighborhood and to have minimal negative impacts on surrounding residential uses. Areas determined appropriate for Neighborhood Commercial Districts are identified on the Community Development Plan Map.

#### **4.0211 General Commercial District (GC)**

The General Commercial District is intended to provide opportunities for retail, service and office development in commercial centers and existing commercial strips. Most business activities in this district are intended to be conducted within a completely enclosed building. A limited area may be used for outdoor business activities, product display or storage. Areas determined appropriate for General Commercial Districts are identified on the Community Development Plan Map.

**4.0212 Central Rockwood and Corridor Districts**

Additional Commercial Development Districts unique to the Corridor Districts are listed in Section 4.0400. The Gresham Community Development Plan map identifies the location of these additional development districts.

**Permitted Uses**

**4.0220 Permitted Uses**

Table 4.0220 lists those uses that are permitted in each Commercial District. Permitted uses are designated with a “P” and prohibited uses are designated with an “NP”. Each of these uses must comply with the site development requirements of Section 4.0230 and all other applicable requirements of the Community Development Code.

**Table 4.0220: Permitted Uses In The Commercial Districts<sup>1</sup>**

| USES  | NC             | GC             |
|---|----------------|----------------|
| (A) Retail service establishments engaged in selling goods or merchandise to the general public for personal or household consumption (with no floor area limitation).  | NP             | P              |
| (B) Business service establishments engaged in rendering services to other businesses on a fee or contact basis such as:<br>(1) advertising, building maintenance, employment services, and consulting services.<br>(2) household moving and equipment rental, car washes, outdoor commercial amusements and mini-storage facilities. | NP<br>NP       | P<br>NP        |
| (C) Eating and drinking establishments (maximum gross floor area of 3,500 square feet).   | P              | P <sup>2</sup> |
| (D) Insurance agencies, real estate and other offices (maximum gross floor area of 5,000 square feet per use).  | P              | P <sup>2</sup> |
| (E) Grocery stores (maximum gross floor area of 35,000 square feet).  | P              | P <sup>2</sup> |
| (F) Personal service establishments includes: laundries, dry cleaners, barber shops and hair salons, and shoe repair shops, with a maximum gross floor area of 5,000 square feet per use.   | P              | P <sup>2</sup> |
| (G) Retail businesses (hardware, gas stations, drug, clothing, photography, and similar retail uses with a maximum floor area of 10,000 square feet per use).   | P              | P <sup>2</sup> |
| (H) Offices and Clinics   | NP             | P              |
| (I) Retail Trade Establishments engaged in selling goods or merchandise the general public for personal or house hold consumption such as:<br>(1) Retail Groceries, Department Stores, Hardware Stores, and Sporting Goods Stores.<br>(2) Automobile sales, mobile home or recreational vehicle sales, nurseries, and lumber sales.   | NP<br>NP       | P<br>NP        |
| (J) Community services  | P              | P              |
| (K) Temporary uses  | P              | P              |
| (L) Home occupations  | P <sup>3</sup> | P <sup>3</sup> |
| (M) Temporary Health Hardship Dwelling  | L <sup>4</sup> | L <sup>4</sup> |
| (N) Offices which are related and subordinate to any of the preceding permitted uses.   | NP             | NP             |

**Table 4.0220 Notes:**

- 1 See Appendix 2.000 for expanded list of uses
- 2 Without floor area restrictions

- 3 Home occupations shall be permitted only within pre-existing homes in the NC and GC development districts.
- 4 Permitted only in conjunction with pre-existing single-family homes in accordance with Section 10.1300.

**4.0221 Other Permitted Uses**

Other uses can be allowed in the GC District which, in the determination of the Manager, are:

- (A) Business activities which are mostly conducted within a completely enclosed building; and,
- (B) Consistent with the applicable commercial land use policies and implementation strategies of the Community Development Code.

**Commercial Land Use District Standards**

**4.0230 Commercial Land Use District Standards**

The site development requirements listed in Table 4.0230 are applicable to all development within the Neighborhood Commercial and General Commercial districts. Development within these districts shall also be consistent with all other applicable requirements of the Community Development Code.

**Table 4.0230: Development Requirements For Commercial Districts**

|   | NC   | GC  |
|---|--|---|
| <b>(A) Maximum Site Size</b>                                      | 4 acres <sup>1</sup>   | Not Applicable  |
| <b>(B) Minimum Lot Size</b>                                       | 10,000 square feet   | 10,000 square feet  |
| <b>(C) Minimum Lot Dimensions</b>                                 |  |   |
| (1) Width   | (1) 60 feet  | (1) 60 feet   |
| (2) Depth   | (2) 70 feet  | (2) 70 feet   |
| <b>(D) Minimum Yard Setbacks<sup>2</sup></b>                      |  |   |
| (1) Front   | (1) 20 feet  | (1) 20 feet   |
| (2) Side  | (2)  | (2)   |
| (a) interior lot  | (a) 0 feet   | (a) 0 feet  |
| (b) corner lot  | (b) 0 feet on the interior side and 15 feet on the side abutting the street <sup>3</sup> . | (b) 0 feet on the interior side and 15 feet on the side abutting the street <sup>3</sup> .  |
| (3) Rear  | (3) 0 feet   | (3) 0 feet  |
| <b>(E) Maximum Building Height</b>                                | 35 feet <sup>4</sup>   | <u>See Section 4.0231(A)</u> <sup>4</sup>   |
| <b>(F) Maximum Lot Coverage</b>                                   | 50%  | Not Applicable  |
| <b>(G) On-Site Activities</b>                                     | <u>See Section 4.0231(B)</u> <sup>5</sup>  | <u>See Section 4.0231(B)</u> <sup>6</sup> Areas devoted to on-site outdoor business activities, product display or storage must be located so that they do not interfere with pedestrian circulation. |
| <b>(H) Public Facilities, Site and Supplementary Requirements</b> | <u>See Section 4.0231(C)</u>   | <u>See Section 4.0231(C)</u>  |

**Table 4.0230 Notes:**

- <sup>1</sup> This requirement does not apply to the Springwater Plan District.
- <sup>2</sup> Buffering and screening may be required in addition to these setbacks. See Section 9.0100 for the buffering and screening requirements. Also, refer to the height transition area requirement found

in the Maximum Building Height Section 4.0231(A) since it can increase the minimum yard setbacks where a development abuts a residential district.

- 3 However, for up to 50% of the length of the side yard abutting a street (excluding that portion of the side yard which overlaps the required front yard), the street-side setback may be reduced to 5 feet.
- 4 See Section 9.0600 - Height Transition
- 5 At least 95% of the business activities must be conducted within a completely enclosed structure. No more than 5% of the area devoted to business use may be used for outdoor business activities, product display, or storage.
- 6 At least 85% of the business activities must be conducted within a completely enclosed structure. No more than 15% of the area devoted to business use may be used for outdoor business activities, product display, or storage.

#### **4.0231 Additional Commercial Land Use District Standards**

(A) Maximum Building Height:

Three stories or 40 feet unless equipped with a built-in fire protection system. When fire sprinklers, alarms, and when needed, enclosed, pressurized exit stairwell systems are provided, the building height can be increased to 65 feet.

(B) On Site Activities:

- (1) No outdoor business activities, product display or storage shall be located within yard setback or buffering and screening areas.
- (2) Areas devoted to on-site outdoor business activities, product display or storage must be located so that they do not interfere with pedestrian circulation in the General Commercial District.

(C) Public Facilities. Site and Supplementary Requirements

All developments shall also be subject to the applicable requirements of Section 4.0230 - Commercial Land Use District Standards; Article IX-Common Requirements; and Appendix 5.000 - Public Facilities.

## **Section 4.0300**

### **Industrial Land Use Districts**

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#### General

4.0301 Purpose

#### Land Use District Characteristics

4.0310 Business Park District (BP)

4.0311 Light Industrial District (LI)

4.0312 Heavy Industrial District (HI)

#### Permitted Uses

4.0320 Permitted Uses

4.0321 Other Permitted Uses

#### Industrial Land Use District Standards

4.0330 Industrial Land Use District Standards

4.0331 Additional Industrial Land Use District Standards

### **General**

#### **4.0301 Purpose**

Development of land in the Industrial Development Districts is permitted when development proposals are found to comply with the standards of this section and the relevant supplementary requirements of the Community Development Code.

### **Land Use District Characteristics**

#### **4.0310 Business Park District (BP)**

The Business Park District is primarily intended for manufacturing and related industrial activities, office development as well as research and development facilities. Secondary uses which are permitted in mixed-use developments include commercial services and retail commercial development. The district is designed to allow the uses to operate in a park-like atmosphere which achieves a high degree of compatibility with adjoining properties. Areas determined appropriate for Business Park District development are identified on the Community Development Plan Map.

#### **4.0311 Light Industrial District (LI)**

The Light Industrial District is primarily intended to provide for a wide range of manufacturing uses and a limited range of uses such as office, commercial services and limited retail commercial, when included as mixed-use developments. While limited outdoor storage and display areas are permitted, they must be screened from adjoining properties and public streets to ensure compatibility. Areas determined appropriate for Light Industrial District development are identified on the Community Development Plan Map.

#### 4.0312 Heavy Industrial District (HI)

The Heavy Industrial District is primarily intended for industrial uses which are generally not compatible with residential development because of their operational characteristics which can include noise and air pollution. The district is also intended for uses which may require extensive outdoor areas to conduct business activities or for product storage or display. These regulations are designed to permit the development of land within the district in a manner consistent with efficient industrial operations. Areas determined appropriate for Heavy Industrial District development are identified on the Community Development Plan Map.

### Permitted Uses

#### 4.0320 Permitted Uses

Table 4.0320 lists those uses that are permitted in each Industrial Development District. Permitted uses are designated with a “P” and uses that are prohibited are designated with a “NP”. An “L” in this table indicates a use type which may be permitted in that district, but which is limited in the extent to which it may be permitted. Each of these uses must comply with the site development requirements of Section 4.0330 and all other applicable requirements of the Community Development Code.

**Table 4.0320: Permitted Uses In The Industrial Development Districts<sup>1</sup>**

| USES                                     | BP  | LI  | HI                                    |
|--|---|---|---------------------------------------|
| (A) Manufacturing and Processing         | P <sup>2</sup>  | P <sup>3</sup>  | P <sup>5</sup>                        |
| (B) Fabrication                          | P <sup>2</sup>  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (C) Storage                              | L <sup>12</sup>                                       | P   | P                                     |
| (D) Packing                              | P <sup>2</sup>  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (E) Research And Development Activities  | P <sup>2</sup>  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (F) Laboratories                         | P <sup>2</sup>  | L <sup>12</sup>                                       | L <sup>12</sup>                       |
| (G) Warehousing and Servicing Activities | L <sup>12</sup>                                       | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (H) Repair, Finishing, and Testing       | NP  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (I) Assembly                             | NP  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (J) Distribution Activities              | P <sup>2</sup>  | P <sup>3</sup>  | P <sup>5,6</sup>                      |
| (K) Offices                              | P (100% of the total floor area)                      | P <sup>4</sup>  | P <sup>6</sup>                        |
| (L) Commercial Services                  | P <sup>7,13</sup> (Up to 30% of the total floor area) | P <sup>7,13</sup> (Up to 20% of the total floor area) | P <sup>6,7,13</sup>                   |
| (M) Retail sales                         | P <sup>13</sup> (Up to 20% of the total floor area)   | P <sup>13</sup> (Up to 15% of the total floor area)   | P <sup>6,13</sup>                     |
| (N) Wholesale activities                 | P (Up to 20% of the total floor area)                 | P (Up to 20% of the total floor area)                 | P (Up to 20% of the total floor area) |
| (O) Community services                   | L <sup>9</sup>  | L <sup>9</sup>  | L <sup>9</sup>                        |
| (P) Temporary uses                       | P <sup>10</sup>                                       | P <sup>10</sup>                                       | P <sup>10</sup>                       |
| (Q) Home occupations                     | L <sup>8</sup>  | L <sup>8</sup>  | L <sup>8</sup>                        |
| (R) Temporary Health Hardship Dwellings  | L <sup>11</sup>                                       | L <sup>11</sup>                                       | L <sup>11</sup>                       |
| (S) Industrial Services                  | P   | P   | P                                     |

**Table 4.0320 Notes:**

- <sup>1</sup> See Appendix 2.000 for expanded list of uses
- <sup>2</sup> Up to 100% of the total floor area may consist of these manufacturing and distribution uses. Examples of these uses appropriate in this district include: manufacture of apparel, audio products, communication equipment, professional or scientific instruments and toys.
- <sup>3</sup> Up to 100% of the total floor area may consist of these manufacturing and distribution uses. Examples of uses which would be appropriate include: aircraft or auto parts, bottling plants, bakery products, communication equipment, drugs, fabricated textile products, office machines, building materials, recycling centers, and motor freight terminals.
- <sup>4</sup> Executive and administrative offices which relate to the operation of the industrial use of the property. Up to 40% of the total floor area may consist of these executive and administrative uses. Multiple tenant office buildings are prohibited.
- <sup>5</sup> Examples of uses which would be appropriate include: manufacture of concrete, brick and clay products; crushing or processing of rock; manufacture of acid, fertilizer, gas, and paper products; breweries; junk yards when located more than 1,000 feet from a residential district, and petroleum storage and refining.
- <sup>6</sup> Provided the development percentages identified for the Permitted Uses section of the LI district are met.
- <sup>7</sup> Commercial services such as building maintenance, restaurants, data processing, childcare, job training, banks and recreational facilities.
- <sup>8</sup> In the BP, LI, and HI Land Use districts, home occupations shall be permitted only within pre-existing homes.
- <sup>9</sup> See Section 8.0100, Community Service Uses.
- <sup>10</sup> See Section 10.1400, Temporary Uses.
- <sup>11</sup> Permitted only in conjunction with pre-existing single-family homes in accordance with Section 10.1300.
- <sup>12</sup> Permitted only in conjunction with and accessory to a primary industrial use such as listed as A, B, D, E, and J above.
- <sup>13</sup> Retail uses which include the sale, lease or rent of new or used products to the general public, or the provision of product repair or services for consumer and business goods, are limited to a maximum of 60,000 square feet of gross leasable area per building or business. A Variance from this size limitation is prohibited. Where this size limitation conflicts with the commercial service and retail development percentages of Table 4.0320, the more restrictive size limitation shall govern.

**4.0321 Other Permitted Uses**

- (A) For Business Park Districts, other manufacturing and related industrial activities, office development or research and development facilities which, in the determination of the manager:
  - (1) Can achieve a high degree of compatibility with adjoining properties; and,
  - (2) Are consistent with the applicable industrial land use policies and implementation strategies of the Community Development Plan.
- (B) For Light Industrial Districts, other manufacturing uses or office and commercial uses, when included as mixed use developments, which in the determination of the manager:
  - (1) Require limited outdoor storage and display areas; and
  - (2) Are consistent with the applicable industrial land use policies and implementation strategies of the Community Development Code.
- (C) For Heavy Industrial Districts, other industrial uses which, in the determination of the manager:
  - (1) Would generate noise or air pollution which would not be compatible with residential areas;
  - (2) May require extensive outdoor areas to conduct business activities for product storage or display; and,



- (3) Are consistent with the applicable industrial land use policies and implementation strategies of the Community Development Code.

### **Industrial Land Use District Standards**

#### **4.0330 Industrial Land Use District Standards**

The site development requirements listed in Table 4.0330 are applicable to all development within the Business Park, Light Industrial and Heavy Industrial districts. Development within these districts shall also be consistent with all other applicable requirements of the Community Development Code.

**Table 4.0330 Development Requirements For Industrial Land Use Districts**

|   | <b>BP</b>   | <b>LI</b>   | <b>HI</b>   |
|---|---|---|---|
| <b>(A) Minimum Lot Size</b>                     | 1 acre  | 20,000 square feet  | 20,000 square feet  |
| <b>(B) Minimum Lot Dimensions</b>               | Width = 100 feet<br>Depth = 200 feet  | Width = 80 feet<br>Depth = 100 feet   | Width = 80 feet<br>Depth = 100 feet   |
| <b>(C) Minimum Yard Setbacks<sup>1</sup></b>    | Front = 25 feet<br>Side <sup>2</sup> <ul style="list-style-type: none"> <li>• Interior lot = 0 feet</li> <li>• Corner lot = 20 feet (side abutting the street)</li> </ul> Rear = 0 feet | Front = 25 feet<br>Side <sup>2</sup> <ul style="list-style-type: none"> <li>• Interior lot = 0 feet</li> <li>• Corner lot = 15 feet (side abutting street)</li> </ul> Rear = 0 feet | Front = 25 feet<br>Side <sup>2</sup> <ul style="list-style-type: none"> <li>• Interior lot = 0 feet</li> <li>• Corner lot = 20 feet (side abutting street)</li> </ul> Rear = 0 feet   |
| <b>(D) Maximum Building Height</b>              | <u>See Section 4.0331(A)</u>  | <u>See Section 4.0331(A)</u>  | <u>See Section 4.0331(A)</u>  |
| <b>(E) Maximum Building Coverage</b>            | 50%   | 60%   | 75%   |
| <b>(F) On-Site Activities</b>                   | All business, storage and display activities with the exception of garbage facilities shall be conducted within a completely enclosed building.   | (1) Up to 50% of the land area may be devoted to outdoor storage.<br>(2) Outdoor storage areas shall be screened by 6 feet high sight-obscuring fencing or walls. <sup>3,4</sup>    | (1) Up to 100% of the land area may be devoted to outdoor business activities, storage, or display.<br>(2) All outdoor business activities and storage areas shall be screened by 6 feet high sight-obscuring fencing or walls. <sup>3,4</sup><br>(3) Up to 10% of the total lot area may be devoted to unscreened outdoor display areas. |
| <b>(G) Parking, Loading and Unloading Areas</b> | <u>See Section 4.0331(B)</u>  | <u>See Section 4.0331(B)</u>  | <u>See Section 4.0331(B)</u>  |

**Table 4.0330 Development Requirements For Industrial Development Districts, continued**

|   | <b>BP</b>                | <b>LI</b>                | <b>HI</b>             |
|---|--------------------------|--------------------------|-----------------------|
| <b>(H) External Effects</b>                                     | See Section 4.0331(C)    | See Section 4.0331(C)    | See Section 4.0331(C) |
| <b>(I) Operational Impacts</b>                                  | See Section 4.0331(D)(1) | See Section 4.0331(D)(2) | Not Applicable        |
| <b>(J) Mechanical Equipment Screening</b>                       | See Section 4.0331(E)    | See Section 4.0331(E)    | Not Applicable        |
| <b>(K) Exterior Building Treatment</b>                          | See Section 4.0331(F)    | Not Applicable           | Not Applicable        |
| <b>(L) Public Facility. Site and Supplementary Requirements</b> | See Section 4.0331(G)    | See Section 4.0331(G)    | See Section 4.0331(G) |

**Table 4.0330 Notes:**

- <sup>1</sup> Buffering and screening may be required in addition to these setbacks. See Section 9.0100 for the buffering and screening requirements. Also, refer to the height transition area requirement found in Section 9.0600, Height Transitions, since it can increase the minimum yard setbacks where a development abuts a residential district.
- <sup>2</sup> No side yard setbacks are required where the side property line abuts a "heavy" railroad right-of-way or spur track.
- <sup>3</sup> All screened or walled outdoor storage areas which abut a public street shall be set back a minimum of 25 feet from the property lines. Within the setback areas trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged so as to allow only minimum gaps between foliage of mature trees and shrubs within four years of planting.
- <sup>4</sup> Outdoor storage areas shall be drained and surfaced with pavement or crushed rock except on those portions maintained as landscaped areas.

**4.0331 Additional Industrial Land Use District Standards**

**(A) Maximum Building Height in all Industrial Land Use Districts**

- (1) Three stories or 40 feet unless equipped with built-in fire protection systems. When fire sprinklers, alarms, and, when needed, enclosed, pressurized exit stairwell systems are provided, the building height can be increased to 65 feet (6 stories for an office building in BP).
- (2) When abutting a residential district the height transition standards of Section 9.0600 shall apply.

**(B) Parking, Loading and Unloading Areas in all Industrial Land Use Districts**

- (1) Parking, loading and unloading areas shall not be located within the required yard setback.
- (2) No loading or unloading facilities shall be located adjacent to residentially designated land or a residential community service if there exists an alternative location of adequate size adjacent to commercial, industrial or non-residential community service.

**(C) External Effects**

- (1) All operations in Industrial Land Use Districts must conform to the requirements of the Department of Environmental Quality.
- (2) In the LI and BP districts, the emission of air pollutants or odorous gasses and changes in temperature detectable by the human senses without the aid of instruments at any point beyond the property line is prohibited.

- (3) In the LI and BP districts, electrical disturbances which interfere with the normal operation of equipment or instruments is prohibited.
  - (4) In the BP district, except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
  - (5) In the BP district, emissions that endanger human health or cause damage to vegetation or property shall not be permitted to emanate beyond the boundaries of the property.
  - (6) In the BP district, loud, unnecessary, or unusual noise which endangers health, peace or safety is prohibited.
- (D) Operational Impacts in the LI and BP Land Use Districts
- (1) No hazardous materials as provided under Group H, Division 1 (but not including the exception quantities of these materials), (2) and (6) occupancies under the Uniform Building Code shall be stored or used on the premises
  - (2) No hazardous materials as provided under Group H, Division 1 (but not including the exception quantities of these materials) occupancy under the Uniform Building Code shall be stored or used on the premises
- (E) Mechanical Equipment in the LI and BP Land Use Districts
- Roof mounted mechanical equipment such as ventilators and ducts shall be contained within a completely enclosed structure that may include louvers, latticework, etc.
- (F) Exterior Building Treatment in the BP District
- In the Business Park (BP) District, unfinished metal structure siding shall not be a major exterior material. Materials such as wood, tilt-up concrete, masonry or glass should be the primary structural siding materials.
- (G) Public Facility Site and Supplementary Requirements for all Industrial Land Use Districts
- All developments shall also be subject to the applicable requirements of Section 4.0330 - Site Development Standards; Article IX - Common Requirements; and Appendix 5.000 - Public Facilities.

## **Section 4.0400 Corridor Districts**

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### General

4.0401 Purpose

### Corridor District Characteristics

4.0410 Rockwood Town Center (RTC)

4.0411 Station Centers (SC)

4.0412 Corridor Multi-Family (CMF)

4.0413 Corridor Mixed Use (CMU)

4.0414 Community Commercial (CC)

4.0415 Moderate Commercial (MC)

### Permitted Land Uses

4.0420 Permitted Land Uses

### Corridor District Standards

4.0430 Development Standards

4.0431 Lot Size and Dimensions

4.0432 Floor Area Ratio

4.0433 Setbacks

4.0434 Building Height

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

4.0436 Commercial Uses

4.0437 Outdoor Commercial Uses

4.0438 Buffering and Screening Requirements

4.0439 Clear Vision Area Requirements

4.0440 Off-Street Parking for Single-Family Attached Dwellings in the Rockwood Town Center, Station Center, and Station Center (Ruby Junction Overlay) Districts

4.0441 Public Facilities and Supplementary Requirements

## General

### **4.0401 Purpose**

This section of the Community Development Code implements the Central Rockwood Plan and creates districts for the city's transit corridors. The Central Rockwood Plan originated in the Gresham 2020 Action Plan, which called for this area to accommodate intensive commercial, residential, and mixed-use development. Central Rockwood is envisioned as a Town Center, growing into a lively pedestrian-oriented, transit-supportive district. Transit Corridors are made up of lands adjacent to streets with transit service, identified in Figure 20, Volume IV – Transportation System Plan, of the Gresham Community Development Plan. The land use districts of both the Central Rockwood Plan and the transit corridors are designed to take advantage of the substantial public investments which have been made in transit service, and to create attractive places to live, work, shop, and recreate with less reliance on the automobile than might be found elsewhere in the community.

## Corridor District Characteristics

### **4.0410 Rockwood Town Center (RTC)**

This district encompasses the heart of Central Rockwood. It is centered on the triangle formed by E. Burnside, NE 181<sup>st</sup> Ave., and SE Stark St., but also takes in adjacent properties around the triangle. Primary uses permitted in RTC are retail commercial, services, office uses and housing. Mixed-use developments and various institutional uses (e.g. library, public meeting halls, government facilities) are also permitted. The scale and character of new development is intended to support and reinforce the image of a town center, with buildings of at least two stories, oriented to streets and pedestrians, and with parking lots behind or to the sides of buildings.

A portion of the Rockwood Town Center will be the focus of more concentrated high-density residential, office, commercial, service and institutional mixed-use development. Within this area, proposals to develop attached dwellings that front on streets (multi-family and attached single-family dwellings) are required to have a mixed-use component along the street frontage. Mixed-use consists of commercial, office, or community service uses or combinations thereof in combination with residential uses. This “Mixed-Use” Rockwood Town Center area consists of the “triangle” described above, and other properties which front on its abutting streets (see Appendix 9.000).

### **4.0411 Station Centers (SC)**

This district takes in properties which are adjacent to, or within easy walking distance, of light rail stations at 162<sup>nd</sup> Avenue, 172<sup>nd</sup> Avenue, Ruby Junction (197<sup>th</sup> Ave.), Gresham City Hall, Gresham Central, and Cleveland. The Station Centers district is intended to accommodate uses which are directly supportive of light rail transit. Development types permitted include retail and service businesses, offices, mixed-use projects, higher-density housing, and attached single family dwellings. Acknowledging the different character of existing land uses adjacent to the Ruby Jct. light rail station, an overlay designation here will also permit auto-dependent uses, and small-scale light industrial uses.

### **4.0412 Corridor Multi-Family (CMF)**

This district designation is applied to properties along segments of Transit Streets. The CMF district primarily provides opportunities for moderate-density residential development, including attached dwellings and attached single family dwellings. To help create a pleasant pedestrian environment, most new residential buildings will be oriented to public sidewalks, with parking lots behind or beside buildings. Standards will require that the scale of new housing diminish as buildings approach abutting single-family residential districts.

### **4.0413 Corridor Mixed Use (CMU)**

This district designation is applied to certain clusters of properties along Transit Streets. In addition to moderate-density, multi-family residential uses, the CMU district permits small-scale commercial uses and mixed-use developments. Commercial businesses operating in this district will serve primarily the day-to-day needs of residents in nearby housing developments and neighborhoods. Design standards for new construction will help to ensure that new buildings become attractive additions to existing and developing neighborhoods.

#### **4.0414 Community Commercial (CC)**

This district designation is applied to larger nodes of primarily commercial development clustered around the intersections of arterial streets. The CC district will accommodate a wide range of community-scale commercial uses, including retail, services, and offices. This district also permits housing as a secondary use, with attached dwellings being developed in conjunction with commercial construction. New buildings will be pedestrian-oriented, with parking placed behind or beside buildings.

#### **4.0415 Moderate Commercial (MC)**

The MC district is applied to smaller nodes of commercial activity clustered around key intersections. These districts are intended to function primarily as locally-oriented centers serving smaller trade areas. Permitted development types include commercial retail, service, and office uses. New housing at moderate densities may also be permitted, when developed in conjunction with commercial uses. Design standards will ensure a strong pedestrian orientation for new development.

### **Permitted Uses**

#### **4.0420 Permitted Uses**

The types of land uses which are permitted in the Central Rockwood and Corridor Districts are listed in Table 4.0420 of this subsection. A "P" in this table indicates that a use type is permitted in that district, subject to conformance with applicable provisions of this section and other sections of the Community Development Code. An "L" in this table indicates a use type which may be permitted in that district, but which is limited in the extent to which it may be permitted. An "NP" in this table indicates a use type which is not permitted in that district. Existing uses which are not permitted in a particular district may continue in existence, subject to provisions of Section 8.0200, Existing and Nonconforming Uses. Community Service uses are permitted as provided in Section 8.0100. In addition to the permitted commercial land use types listed in Table 4.0420, the manager, under the Type II procedure, may permit other commercial uses which the manager finds to be supportive of, and consistent with, the purposes of the Central Rockwood Plan (Appendix 39 of Volume 1) and Corridor Districts (Section 4.0400), and with applicable land use policies and implementation strategies of the Community Development Plan.

**Table 4.0420: Uses Permitted In the Corridor Districts**

| Use Categories:                        | Rock-wood Town Center | Station Center  | Station Center (Ruby Jct. Overlay) | Corridor Multi-Family | Corridor Mixed-Use | Community Commercial | Moderate Commercial |
|--|-----------------------|-----------------|------------------------------------|-----------------------|--------------------|----------------------|---------------------|
| <b>Commercial Uses:</b>                |                       |                 |                                    |                       |                    |                      |                     |
| (A) Offices                            | P                     | P <sup>10</sup> | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (B) Clinics                            | P                     | P <sup>10</sup> | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (C) Retail Trade                       | P                     | P <sup>10</sup> | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (D) Retail Service                     | P                     | P <sup>10</sup> | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (E) Business Service                   | P                     | P <sup>10</sup> | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (F) Auto-Dependent Use                 | L <sup>1</sup>        | NP              | P                                  | NP                    | P <sup>5</sup>     | P                    | P <sup>4</sup>      |
| (G) Outdoor Commercial                 | NP                    | NP              | L <sup>3</sup>                     | NP                    | L <sup>3</sup>     | P                    | P <sup>4</sup>      |
| (H) Mini-Storage Facilities            | NP                    | NP              | NP                                 | NP                    | NP                 | NP                   | NP                  |
| <b>Residential Uses:</b>               |                       |                 |                                    |                       |                    |                      |                     |
| (I) Attached Dwellings on a Single Lot | P <sup>9</sup>        | P <sup>13</sup> | P                                  | P                     | P                  | L <sup>11</sup>      | L <sup>11</sup>     |
| (J) Single Family Attached Dwellings   | P <sup>9</sup>        | P               | P                                  | P                     | P                  | NP                   | NP                  |
| (K) Two-Unit Attached Dwelling         | NP                    | P               | P                                  | P                     | P                  | NP                   | NP                  |
| (L) Single-Family Dwelling (Detached)  | NP                    | NP              | NP                                 | L <sup>8</sup>        | NP                 | NP                   | NP                  |
| (M) Accessory Dwelling                 | P                     | P               | P                                  | P                     | P                  | NP                   | NP                  |
| (N) Residential Homes                  | NP                    | NP              | NP                                 | L <sup>8</sup>        | NP                 | NP                   | NP                  |
| (O) Residential Facilities             | P                     | P               | P                                  | P                     | P                  | L <sup>11</sup>      | L <sup>11</sup>     |
| (P) Industrial Uses                    | NP                    | NP              | L <sup>6,7</sup>                   | NP                    | NP                 | NP                   | NP                  |
| (Q) Mixed-Use Development              | P <sup>9</sup>        | P               | P                                  | NP                    | P                  | P                    | P                   |
| (R) Temporary Uses                     | P                     | P               | P                                  | P                     | P                  | P                    | P                   |
| (S) Accessory Structures               | P                     | P               | P                                  | P                     | P                  | P                    | P                   |
| (T) Temporary Health Hardship Dwelling | L <sup>12</sup>       | L <sup>12</sup> | L <sup>12</sup>                    | L <sup>12</sup>       | L <sup>12</sup>    | L <sup>12</sup>      | L <sup>12</sup>     |
| (U) Home Occupations                   | P                     | P               | P                                  | P                     | P                  | P                    | P                   |
| <b>Community Service Uses:</b>         |                       |                 |                                    |                       |                    |                      |                     |
| (V) Type I                             | P                     | P               | P                                  | P                     | P                  | P                    | P                   |
| (W) Type II                            | P                     | P               | P                                  | P                     | P                  | P                    | P                   |
| (X) Type III                           | P <sup>2</sup>        | P <sup>2</sup>  | P                                  | P                     | P                  | P                    | P                   |

**Table 4.0420 Notes:**

- <sup>1</sup> In the Town Center district, auto-dependent uses are limited to sites fronting on major or principal arterial streets.
- <sup>2</sup> Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Town Center District or in the Station Centers District.

- 3 The maximum site size for a new outdoor commercial use is 2 acres. Certain types of outdoor commercial uses may be prohibited. See Section 4.0437.
- 4 The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 40,000 sq. feet.
- 5 The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet.
- 6 Any industrial use shall be limited to a maximum of 45,000 square feet. of gross floor area. In addition, any new industrial use shall employ at least one person per 500 square feet. of gross floor area. An applicant for site design review for a new industrial use shall submit documentation as part of the application demonstrating conformance with this employee density requirement.
- 7 Industrial uses which may be permitted in the Ruby Jct. Overlay shall be as specified in the BP and LI portions of Section 4.0320 (A). Industrial developments shall also be subject to standards of the LI portion of Section 4.0330(A-D) and the BP portion of Section 4.0330 (F-L).
- 8 Detached dwellings may be permitted within the CMF district only along the NE Glisan and NE 162<sup>nd</sup> Ave. corridors. Detached dwellings in the CMF district shall conform with development standards of Table 4.0130 for the Transit LDR district.
- 9 Within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have commercial uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above the commercial uses and behind the commercial uses on Stark.  
  
Ground floor residential uses on Burnside within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area) shall have individual entries oriented to Burnside and located above grade a minimum of 4 feet and a maximum of 9 feet. Windows into living areas for ground floor residential uses shall be sited for privacy. Except for Section 7.0210(A)(4) and (5), Transit Design standards of Section 7.0120 shall apply to all residential development with frontage on Burnside within the RTC District. All other applicable design and development criteria in this code shall apply.
- 10 A commercial use permitted in the Station Centers district (except for the Ruby Jct. Overlay) must be located on a parcel of which some portion is within 500 feet of the intersection of the centerlines of E. Burnside / 162<sup>nd</sup> Ave., or E. Burnside / 172<sup>nd</sup> Ave., or E. Burnside / 197<sup>th</sup> Ave., or E. Burnside / 181<sup>st</sup> Ave., or within ¼ mile of the intersection of the centerlines of Division Street/ Eastman Parkway or Division Street/ Kelly Avenue.
- 11 Attached dwellings on a single lot may be permitted in conjunction with mixed-use developments.
- 12 Temporary health hardship dwelling is permitted in conjunction with an existing single-family detached structure, subject to the standards in Section 10.1300.
- 13 New attached dwellings on an individual lot shall be developed as a mixed-use project when the subject parcel fronts on a public street and is within 500 feet of the center lines of the intersections of East Burnside and 162<sup>nd</sup>, 172<sup>nd</sup> or 197<sup>th</sup> Avenues. A development proposal may be exempted from this standard upon an affirmative finding that the street frontage has insufficient dimensions, such as in the case of flag lots or irregular shaped parcels, whereby it is physically impracticable to develop commercial or community service uses. Housing developed for persons with special needs is exempted from the mixed-use requirement. This is housing for persons with “special needs” consistent with the definition of the most recent “Consolidated Action Plan” as approved by the U.S. Department of Housing and Urban Development.

## Corridor District Standards

### 4.0430 Development Standards

Table 4.0430, below, summarizes development standards which apply in the Corridors districts. The standards contained in this table are supplemented by referenced subsections which provide additional clarification or guidance.



**Table 4.0430 Development Requirements For Corridor Districts**

|   | <b>Rockwood Town Center</b>  | <b>Station Centers</b>   | <b>Station Center (Ruby Jct. Overlay)</b>   | <b>Corridor Multi-Family</b>                | <b>Corridor Mixed-Use</b>  | <b>Community Commercial</b>                                     | <b>Moderate Commercial</b>                                      |
|---|--|--|---|---|--|---|---|
| <b>(A) Minimum Lot Size</b><br>(Section 4.0431)               | 10,000 square feet for residential; none for commercial and mixed-use <sup>8</sup>       | 10,000 square feet for residential; none for commercial and mixed-use <sup>8, 11</sup>   | 10,000 square feet for residential; none for commercial, mixed-use, & industrial <sup>8, 11</sup> | 10,000 sq. ft. <sup>8, 11</sup>             | 10,000 square feet for residential; none for commercial and mixed-use <sup>8, 11</sup> | None  | None  |
| <b>(B) Minimum Street Frontage</b><br>(Section 4.0431)        | 100 feet for residential; none for commercial and mixed use <sup>15</sup>                | 100 feet for residential; none for commercial and mixed use <sup>12, 15</sup>            | 100 feet for residential; none for commercial, mixed use, & industrial <sup>12, 15</sup>          | 100 feet for residential; <sup>12, 15</sup> | 100 feet for residential; none for commercial and mixed use <sup>12, 15</sup>          | None  | None  |
| <b>(C) Minimum Lot Width/Depth Ratio</b><br>(Section 4.0431)  | .5 : 1 for residential; none for commercial and mixed use <sup>8</sup>                   | .5 : 1 for residential; none for commercial and mixed use <sup>8</sup>                   | .5 : 1 for residential; none for commercial, mixed use, & industrial <sup>8</sup>                 | .5 : 1 for residential; <sup>8</sup>        | .5 : 1 for residential; none for commercial and mixed use <sup>8</sup>                 | None  | None  |
| <b>(D) Minimum Floor Area Ratio (FAR)</b><br>(Section 4.0432) | .5 : 1   | .6 : 1   | .6 : 1 for commercial uses and mixed-uses; none for industrial                                    | None  | None, except .4 : 1 in Central Rockwood Plan Area <sup>14</sup>                        | None, except .4 : 1 in Central Rockwood Plan Area <sup>14</sup> | None, except .4 : 1 in Central Rockwood Plan Area <sup>14</sup> |
| <b>(E) Minimum Residential Density</b>                        | 18 units/acre for attached single-family dwellings; 20 units/acre for attached dwellings | 18 units/acre for attached single-family dwellings; 24 units/acre for attached dwellings | 18 units/ acre for attached single-family dwellings; 24 units/acre for attached dwellings         | 12 units/acre                               | 12 units/acre  | 12 units/acre   | 12 units/acre   |

|   | <b>Rockwood Town Center</b>  | <b>Station Centers</b>   | <b>Station Center (Ruby Jct. Overlay)</b>   | <b>Corridor Multi-Family</b>   | <b>Corridor Mixed-Use</b>  | <b>Community Commercial</b>  | <b>Moderate Commercial</b>   |
|---|--|--|---|--|--|--|--|
| <b>(F) Maximum Residential Density</b>                | Unlimited inside Stark/ Burnside/ 181st Ave. Triangle; 40 units/acre elsewhere   | 60 units/acre  | 60 units/acre   | 24 units/acre  | 24 units/acre  | 40 units/acre  | 40 units/acre  |
| <b>(G) Minimum Building Setbacks (Section 4.0433)</b> | 0 feet front, side and rear for commercial, mixed-use, and community service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential <sup>1</sup>                                     | 0 feet front, side and rear for commercial, mixed-use, and community service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential <sup>1</sup> | 0 feet front, side and rear for commercial, mixed-use, and community service uses; 5 feet front and street-side, 0 feet interior side, 15 feet rear for residential <sup>1</sup> . For industrial uses, see <u>Sec. 2.0322</u> <sup>1</sup> | 5 feet front; 15 feet rear; 0 feet interior side; 5 feet street-side <sup>1</sup>    | 5 feet front; 15 feet rear; 0 feet interior side; 5 feet street-side <sup>1</sup>    | 0 feet front, side and rear, including streetside                                    | 0 feet front, side and rear, including streetside                                    |
| <b>(H) Maximum Building Setbacks (Section 4.0433)</b> | <u>Commercial &amp; Mixed-Use</u> : 10 feet front and streetside <sup>2</sup> None for interior side and rear. <u>Residential</u> : 20 feet front; None for interior side and rear; 20 feet street-side <sup>3</sup> | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>3</sup>   | For residential, commercial, and mixed-use: 20 feet front; none for rear and interior side; 20 feet for street-side. <sup>3</sup> No maximum for industrial uses.   | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>3</sup> | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>3</sup> | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>3</sup> | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>3</sup> |

|   | <b>Rockwood<br/>Town<br/>Center</b>   | <b>Station<br/>Centers</b>  | <b>Station<br/>Center<br/>(Ruby Jct.<br/>Overlay)</b>   | <b>Corridor<br/>Multi-<br/>Family</b>                    | <b>Corridor<br/>Mixed-Use</b>                              | <b>Community<br/>Commercial</b>                          | <b>Moderate<br/>Commer-<br/>cial</b>                        |
|---|---|---|---|--|--|--|---|
| <b>(I)<br/>Minimum<br/>Building<br/>Height<br/>(Section<br/>4.0433)</b>                                 | 2 stories   | 2 stories   | 2 stories<br>(None for<br>auto-<br>dependent<br>and<br>industrial)  | None   | None   | None   | None  |
| <b>(J)<br/>Maximum<br/>Building<br/>Height<br/>(Section<br/>4.0434)</b>                                 | None <sup>9</sup>   | 80 feet <sup>9</sup>  | 80 feet <sup>9</sup>  | 45 feet <sup>9</sup>                                     | 45 feet <sup>9</sup>                                       | 80 feet <sup>9</sup>                                     | 45 feet <sup>9</sup>  |
| <b>(K)<br/>Transit<br/>Design<br/>Criteria<br/>and<br/>Standards<br/>Apply<br/>(Section<br/>4.0435)</b> | Yes <sup>7</sup>  | Yes <sup>7</sup>  | Yes <sup>7</sup>  | Yes <sup>7</sup>   | Yes <sup>7</sup>   | Yes <sup>7</sup>   | Yes <sup>7</sup>  |
| <b>(L)<br/>Minimum<br/>Off-Street<br/>Parking<br/>Required</b>  | None<br>required for<br>commercial<br>uses; 1<br>space/ unit<br>for<br>residential <sup>10</sup>                      | None<br>required for<br>commercial;<br>1 space/ unit<br>for<br>residential <sup>10</sup>                                | None<br>required for<br>commercial;<br>1 space/ unit<br>for<br>residential <sup>10</sup> ;<br>as provided<br>in <u>Section<br/>9.0851</u> for<br>industrial | As provided<br>in <u>Section<br/>9.0851</u>              | As provided<br>in <u>Section<br/>9.0851</u>                | As provided<br>in <u>Section<br/>9.0851</u>              | As<br>provided<br>in <u>Section<br/>9.0851</u>              |
| <b>(M)<br/>Maximum<br/>Off-Street<br/>Parking<br/>Permitted</b>   | As provided<br>in <u>Section<br/>9.0851</u> for<br>commercial;<br>2 spaces/<br>unit for<br>residential <sup>4,5</sup> | As provided<br>in <u>Section<br/>9.0851</u> for<br>commercial;<br>1.5 spaces/<br>unit for<br>residential <sup>4,5</sup> | As provided<br>in <u>Section<br/>9.0851</u> for<br>commercial<br>& industrial;<br>1.5 spaces/<br>unit for<br>residential <sup>4,5</sup>                     | As provided<br>in <u>Section<br/>9.0851</u> <sup>4</sup> | As provided<br>in <u>Section<br/>9.0851</u> <sup>4,5</sup> | As provided<br>in <u>Section<br/>9.0851</u> <sup>5</sup> | As<br>provided<br>in <u>Section<br/>9.0851</u> <sup>5</sup> |

|  | <b>Rockwood Town Center</b>   | <b>Station Centers</b>  | <b>Station Center (Ruby Jct. Overlay)</b>  | <b>Corridor Multi-Family</b> | <b>Corridor Mixed-Use</b> | <b>Community Commercial</b> | <b>Moderate Commercial</b> |
|--|---|---|--|------------------------------|---------------------------|-----------------------------|----------------------------|
| <b>(N) Screening and Buffering Required (Section 4.0438)</b> | No, except where abutting Transit LDR, or CMF, or CMU <sup>13</sup> | No, except where abutting Transit LDR, or CMF, or CMU <sup>13</sup> | No, except where abutting CMF, and for auto-dependent commercial and industrial uses <sup>13</sup> | Yes <sup>13</sup>            | Yes <sup>13</sup>         | Yes                         | Yes                        |
| <b>(O) Clear Vision Area Required (Section 4.0439)</b>       | Yes <sup>6</sup>  | Yes <sup>6</sup>  | Yes <sup>6</sup>   | Yes                          | Yes                       | Yes                         | Yes                        |

**Table 4.0430 Notes:**

<sup>1</sup> Minimum setbacks for single-family attached dwellings are:

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

<sup>2</sup> A maximum front or streetside setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.

<sup>3</sup> The maximum front or streetside setback for a building containing dwelling units abutting a Principal Arterial, a Major Arterial, or a Minor Arterial street is 30 feet. The maximum front or streetside setback may be exceeded when enhanced pedestrian spaces and amenities are provided.

<sup>4</sup> There is no maximum parking limitation for single-family attached dwelling units.

<sup>5</sup> For commercial uses, when included in a mixed-use development, the maximum amount of off-street parking shall be as provided in [Section 9.0850](#) for each commercial use.

<sup>6</sup> Conformance with clear vision standards of [Section 9.0200](#) shall be required only for developments with direct access to an arterial street.

<sup>7</sup> Ground floor window standards for commercial buildings on transit streets ([Section 7.0210](#)) do not apply to residential developments.

<sup>8</sup> Minimum lot size and lot width/depth ratio standards do not apply to lots or parcels created for attached single family dwellings. Minimum lot dimensions for single-family attached dwelling lots are as follows:

**Width at building line**

|              |   |
|--------------|---|
| Interior Lot | 16 feet (lots of less than 22 feet in width shall take access from an alley or from a shared access)  |
| Corner Lot   | 16 feet where it abuts an alley<br>25 feet where there is no alley or shared access   |
| Depth        | 0 feet - all developments that include single family attached dwellings shall receive both land division approval to create lots for the single family attached dwellings as required in <u>Section 6.0001</u> , and site design review approval as required in <u>Section 7.0001</u> . |

- <sup>9</sup> The maximum building height shall be reduced to 35 feet for any building containing dwelling units when located adjacent to an LDR-5, LDR-7, TLDR, or TR District, as provided in Section 7.0201(K).
- <sup>10</sup> The standards of Section 4.0440 shall apply for single-family attached dwellings.
- <sup>11</sup> There is no minimum lot size requirement for two-unit attached dwellings in the SC, CMF and CMU districts.
- <sup>12</sup> Minimum street frontage for two-unit attached dwellings in the SC, CMF and CMU districts is 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner.
- <sup>13</sup> Screening and buffering are not required for attached single-family dwellings abutting the LDR-5, LDR-7, TLDR, or TR District.
- <sup>14</sup> The Central Rockwood Plan Area is the area shown as Central Rockwood Plan Land Use Districts on Figure 1 of Appendix 39, Volume 1 of the Gresham Community Development Plan.
- <sup>15</sup> Minimum street frontage for single family attached dwellings shall be 16 feet, except corner lots shall be 25 feet as measured from the corner radius end point to the property corner if there is an alley or shared access, and 32 feet from the corner radius end point to the property corner if there is no alley or shared access. A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.

**4.0431 Lot Size and Dimensions**

- (A) Minimum lot size, minimum street frontage, and minimum lot width/depth ratio shall be as specified in Table 4.0430 for new development. The lot width/depth ratio shall be determined by dividing the lot width dimension by the lot depth dimension.
- (B) Minimum lot size, street frontage, and lot width/depth ratio standards of Table 4.0430 shall be satisfied prior to issuance of a development permit for attached dwellings.
- (C) Existing lots of record which do not meet the minimum lot size or street frontage standard, or the minimum lot width/depth ratio standard, may be developed with a two-unit attached dwelling or two single-family attached dwellings, consistent with permitted uses as listed in Table 4.0420. Development permitted under this subsection is exempt from the minimum residential density standard of Table 4.0430.

**4.0432 Floor Area Ratio**

The minimum floor area ratios contained in Table 4.0430 apply to non-residential and mixed-use development. Alterations to existing development are exempt from the minimum FAR standard. For mixed-use developments, minimum FAR and residential density requirements are satisfied when consistent with the following formula:

$$\frac{\text{Number Of Proposed Dwelling Units}}{\text{Minimum Number Of Units Required}} + \frac{\text{Proposed Commercial Floor Area}}{\text{Minimum Required Commercial Floor Area}} \geq 1$$

#### 4.0433 Setbacks

Required minimum and maximum setback standards are specified in [Table 4.0430](#).

- (A) Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in [Section 3.0010](#).
- (B) Conformance with maximum setback distance is achieved for a commercial or mixed-use building when at least one primary entrance located on the façade facing the street is placed no farther from the property line than the distance specified for Maximum Building Setback in [Table 4.0430](#). For residential buildings, conformance is achieved when at least 50% of the façade facing the street is placed no farther from the property line than the distance specified for Maximum Building Setback in [Table 4.0430](#). Maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities in the setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. In addition, on sites with more than one building, the maximum setback may be exceeded for commercial, mixed-use, and residential buildings containing three or more dwelling units, provided conformance is achieved with the maximum setback distance for at least one building. For residential buildings, conformance also must be achieved with building orientation standards of [Section 7.0201\(E\)](#) for attached dwellings.
- (C) For community service uses, minimum and maximum setbacks shall conform with setback requirements for commercial uses, subject to modification as provided in [Section 8.0122](#).
- (D) Setback standards for single family attached dwellings are in [Table 7.0201\(M\)\(3\)\(a\)](#).

#### 4.0434 Building Height

Minimum and maximum building heights are specified in [Table 4.0430](#). Any required building story must contain a habitable floor.

- (A) The minimum building height standard applies, with the following exceptions, to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.
- (B) In addition to conforming with the Ground Floor Windows requirements of [Section 7.0210](#), for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street.
- (C) The maximum building height for any building containing dwelling units shall be reduced when located adjacent to an LDR-5, LDR-7, TLDR or TR District, as provided in [Section 7.0201\(K\)](#).
- (D) Heights of single family attached dwelling buildings are identified in [Table 7.0201\(M\)\(3\)\(f\)](#).

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

The Central Rockwood Plan and Corridor districts are pedestrian districts. As such, new development must have a strong orientation to the pedestrian and be transit-supportive, as well as enhance the

appearance and functioning of these districts. In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0210 (A) apply to new commercial, industrial and mixed-use development requiring site design review approval in all Corridor districts, in addition to other applicable standards and criteria. Additionally, the provisions of Section 7.0210(B) apply to new development requiring site design review approval in the Station Center and Rockwood Town Center Districts.

#### **4.0436 Commercial Uses**

- (A) At least 85% of business activities in connection with commercial uses permitted in Table 4.0420 shall be conducted within a completely enclosed structure, except for outdoor commercial uses. No more than 15% of the area devoted to buildings may be used for outdoor business activities, product display, or storage. However, in the Rockwood Town Center, the Station Center district, and the Corridor Mixed-Use district, the amount of site area used for outdoor business activities, product display, or storage may be up to 50% of the amount of floor area on the site.
- (B) No outdoor business activities, product display or storage shall be located within yard setback or buffering and screening areas. Areas devoted to on-site outdoor business activities, product display or storage shall be located so that they do not interfere with pedestrian circulation.

#### **4.0437 Outdoor Commercial Uses**

- (A) Outdoor commercial uses may be permitted in the Station Center (Ruby Junction Overlay) District or the Corridor Mixed-Use District as indicated in Table 4.0420, subject to the following limitations:
  - (1) Total site size for any new outdoor commercial use shall not exceed two acres.
  - (2) The amount of total site area covered by buildings shall amount to no less than 25% of the amount of site area used for outdoor storage or display.
  - (3) Except for buildings used entirely for storage associated with the business, the maximum front or streetside setback for any building shall be 20 feet.
  - (4) Screening shall be provided along any portion of the site's street frontage which is not occupied by a building, in a manner which satisfies provisions of Section 9.0823 (C) (3).
- (B) The following types of outdoor commercial uses shall be prohibited within the Station Center (Ruby Junction Overlay) District and the Corridor Mixed-Use District:
  - (1) Vehicle sales lots;
  - (2) Mobile home or manufactured home sales, service, or storage;
  - (3) Recreational vehicles sales service, or storage.

#### **4.0438 Buffering and Screening Requirements**

New development in the Rockwood Town Center district and the Station Centers district is exempt from the provisions of Section 9.0100 - Buffering and Screening, except where the development site abuts property designated Transit LDR, or Corridor Multi-Family, or Corridor Mixed-Use. New development in the Station Center (Ruby Junction Overlay) district is exempt from the provisions of Section 9.0100 -

Buffering and Screening, except for auto-dependent commercial developments, industrial developments, and where a development site abuts property designated Corridor Multi-Family.

#### **4.0439 Clear Vision Area Requirements**

New development in the Town Center District, in the Station Centers District, and in the Ruby Junction Overlay is exempt from the provisions of Section 9.0200 - Clear Vision Area, except where the development has direct access to an arterial street.

#### **4.0440 Off-street Parking for Single-Family Attached Dwellings in the Rockwood Town Center, Station Center, and Station Center (Ruby Junction Overlay) Districts**

- (A) One space per dwelling unit. Each parking space shall be at least 8.5 feet wide by 18 feet deep.
- (B) Tandem (end-to-end) parking is allowed.
- (C) A maximum of one required parking space per unit may be located in a driveway in the front or street side yard setback or in the rear yard setback when there is an alley.
- (D) Driveways shall have minimum width of 10 feet.
- (E) Curb cuts shall meet all of the requirements contained in Section A5.400.

#### **4.0441 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of Section 4.0430 - Site Development Standards; Article IX - Common Requirements; and Appendix 5.000 - Public Facilities Standards.



## **Section 4.1000 Plan Districts**

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### General

#### 4.1000 Enabling Legislation

### General

#### **4.1000 Enabling Legislation**

- (A) A Plan District may be designated when the city finds that conditions within a specific area are such that unique planning and regulatory tools are required to achieve desired results. A Plan District designation may be warranted based on specific land use, economic, transportation, public facilities, historic, or natural conditions found to exist in the area. Plan District designation provides a means to create or modify development districts and standards in ways which address specific opportunities and problems within the plan area. These new or modified development districts and standards are not transferable to properties outside the boundaries of the established Plan District. The Plan District designation is generally not intended to be applied to small areas or to small individual properties.
- (B) Except as provided in Section 4.1000(E), a Plan District shall be established, amended, or removed at the initiative of the Planning Commission or the City Council through the Type IV legislative procedure. In establishing a Plan District, findings satisfying all of the following criteria must be made:
- (1) The area proposed for the Plan District designation is generally affected by special characteristics or problems of a land use, economic, transportation, public facilities, historic, natural, or transitional use or development nature which are not common to other areas of the city.
  - (2) Existing development districts and standards applying in the area are inadequate to achieve goals and implementation strategies of the Community Development Code, or to address an identified problem in the area.
  - (3) The proposed Plan District designation is the result of a study or plan which documents the special characteristics of the study area and includes measures to address the relevant issues.
  - (4) Any proposed policies, procedures, development standards, or other measures to be implemented are in conformance with the purposes, findings and recommendations of the study or plan which serves as the basis for the Plan District.
  - (5) The Plan District designation, and related policies, procedures, standards, and other measures are consistent with applicable policies and implementation strategies of the Community Development Code, and with any applicable locational criteria identified in the Community Development Code.

- (C) Provisions of the Plan District may modify existing standards and procedures of the Community Development Code. The Plan District provisions may also apply additional requirements or allow exceptions to general regulations. Where there is a conflict between the provisions of the Plan District and those of other portions of the Community Development Code, the Plan District provisions control.
- (D) The location and boundaries of each Plan District shall be shown on the Community Development Plan Map.
- (E) Within the boundaries of a Plan District, the sub-district designation of any site or small group of sites may be changed to that of a different sub-district already existing within that Plan District. Any such proposal shall be processed under the Type III procedure for Community Development Plan Map Amendments, as provided in Section 12.0001. In seeking such an amendment, an applicant shall demonstrate that the proposed change is consistent with the purposes, findings, and recommendations of the study or plan which serves as the basis for the Plan District, and that the proposed change will not have a negative impact on existing or planned public facilities and services.
- (F) Plan District designation may be removed from all or a portion of a Plan District through the Type IV legislative procedure. Any such action shall be initiated by the Planning Commission or the City Council, and shall be based on a new study or plan containing findings which satisfy all of the criteria of Section 4.1000(B). The new study or plan shall also provide for new land use district designations and development regulations for the affected area in the form of a new Plan District designation or through the application of conventional land use district designations.
- (G) Policies, procedures, standards, and other measures applying within a Plan District may be amended through the Type IV legislative procedure. Any such amendment intended to apply exclusively within a Plan District shall be initiated by the Planning Commission or the City Council, and shall be based on findings demonstrating that it is consistent with the purposes, findings, and recommendations of the plan or study which serves as the basis for that Plan District. This subsection does not apply to general legislative amendments that will be applied broadly to areas of the city at large, both within and outside of a Plan District.

## **Section 4.1100**

### **Downtown Plan District**

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#### General

4.1101 Purpose

#### Downtown Sub-Districts Characteristics

4.1110 Central Urban Core (CUC)

4.1111 Downtown Transit (DT)

4.1112 Downtown Moderate-Density Residential (DR-30)

4.1113 Downtown General Commercial (DC-1)

4.1114 Downtown Moderate Commercial (DC-2)

4.1115 Downtown Low-Density Residential (DR-12)

4.1116 Split-Zoned Development Sites

#### Permitted Uses

4.1120 Permitted Land Uses

#### Downtown Plan Sub-District Standards

4.1130 Downtown Plan District Standards

4.1131 Lot Size

4.1132 Floor Area Ratio

4.1133 Building Height

4.1134 Setbacks

4.1135 Ground Floor Windows

4.1136 Building Orientation and Primary Entrance

4.1137 Off-Street Parking in the Downtown District

4.1138 Alleys

4.1139 Auto Dependent Uses

4.1140 Drive-Through Uses

4.1141 Site Landscaping

4.1142 Residential Design and Open Space

4.1143 Outdoor Commercial Uses

4.1144 Commercial Parking Facilities

4.1145 Buffering and Screening Requirements

4.1146 Signage

4.1147 Clear Vision Area Requirements

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

4.1149 Street Design Requirements

4.1150 Underground Utilities

## **General**

### **4.1101 Purpose**

This section of the Community Development Code implements the Gresham Downtown Plan. This plan originated in the Gresham 2020 Action Plan, which called for the downtown area to accommodate intensive commercial, residential, and mixed-use development. The downtown area is envisioned as the focus of the community, incorporating these uses in a pedestrian-oriented, transit-supportive district. In order to accomplish these purposes, a Plan District (PD) designation applies to the downtown area, and six development sub-districts are designated exclusively within that area, as shown on the Community Development Plan Map. All of the sub-districts of the Downtown PD permit commercial, residential, and mixed-use developments. The sub-districts are distinguished primarily by differences in emphasis on primary uses and intensity of development. These sub-districts are designed to work together to result in a lively, prosperous downtown which serves as an attractive place to live, work, shop, and recreate with less reliance on the automobile than might be found elsewhere in the community.

## **Downtown Sub-Districts Characteristics**

### **4.1110 Central Urban Core (CUC)**

This sub-district encompasses the existing core area. It is centered on N. Main Ave., but also extends eastward and westward along Powell Blvd. to allow for expansion of this village commercial environment. Primary uses permitted in CUC are retail commercial, services, and office uses. Mixed-use developments, dwellings located above or behind commercial uses, single-family attached dwellings, and various institutional uses (e.g. library, public meeting halls, churches, government facilities) are also permitted. The scale and character of new development is intended to be similar to the existing, traditional "Main Street" environment. These include two-story to four-story buildings placed close to sidewalks, with parking lots behind or to the side of buildings.

### **4.1111 Downtown Transit (DT)**

This designation affects land around existing and future light rail stations in the downtown area. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at a minimum density of 24 units per acre and with no maximum density. Larger buildings are encouraged in these areas, with parking under, behind, or to the sides of buildings.

### **4.1112 Downtown Moderate-Density Residential (DR-30)**

This designation is applied to property which is within walking distance of light rail stations, but generally somewhat farther removed from these stations than the Downtown Transit sub-districts. Areas designated DR-30 are intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 17 - 30 units per acre. Typical forms of housing would include single-family attached dwellings, garden apartments, condominiums, and podium apartments. Mixed-use and neighborhood-scale commercial uses are also permitted.

#### **4.1113 Downtown General Commercial (DC-1)**

This designation applies to certain properties around the perimeter of the downtown area, anticipating that these areas will continue to accommodate primarily auto-oriented commercial businesses. However, very large-scale new commercial uses are not permitted. Mixed-use developments and attached dwellings are also permitted, at densities up to 30 units per acre.

#### **4.1114 Downtown Moderate Commercial (DC-2)**

This designation applies to portions of the perimeter of the downtown area where moderate- and smaller-scale businesses, with an orientation to abutting arterial streets, are the dominant use. This sub-district also permits mixed-use developments and attached dwellings at densities up to 30 units per acre. To maintain and enhance the existing character of this area, there are limits on the size of new buildings and the extent of outdoor commercial uses. New businesses in this sub-district are encouraged to orient themselves not only to abutting arterials, but also to adjacent neighborhoods within the Downtown PD.

#### **4.1115 Downtown Low-Density Residential (DR-12)**

This designation is applied to a small neighborhood located in the vicinity of NW Ava Ave., north of West Powell Blvd. In this area, the existing, small-scale character of lots and buildings is expected to be maintained and strengthened, while permitting new residential and small commercial uses. Existing dwellings may be converted to small multi-family dwellings, or be renovated as small professional offices or commercial businesses.

#### **4.1116 Split-Zoned Development Sites**

When a single development site within the Downtown PD is affected by two or more of the following sub-districts, the entire site may be developed in conformance with the permitted uses and development standards of any of those sub-districts applying to the site: CUC; DT; DR-30; DC-2.

### **Permitted Uses**

#### **4.1120 Permitted Land Uses**

The types of land uses which are permitted in the Downtown PD are listed in Table 4.1120. A "P" in this table indicates that a use type is permitted in that sub-district, subject to conformance with applicable provisions of this section and other sections of the Community Development Code. An "L" in this table indicates a use type which may be permitted in that sub-district, but which is limited in the extent to which it may be permitted. An "NP" in this table indicates a use type which is not permitted in that sub-district. Existing uses which are not permitted in a particular sub-district may continue in existence, subject to provisions of Section 8.0200, Existing and Nonconforming Uses. Community Service uses are permitted as provided in Section 8.0100. In addition to permitted, commercial land use types listed in Table 4.1120, the Manager, under the Type II procedure, may permit other commercial uses which the Manager finds to be supportive of, and consistent with, the purposes of the Downtown PD (Section 4.1100), with the findings and conclusions of the Gresham Downtown Plan, and with applicable land use policies and implementation strategies of the Community Development Code.

**Table 4.1120 Permitted Land Uses**

| <b>Use Categories:</b>                  | <b>CUC</b>      | <b>DT</b>       | <b>DR-30</b>     | <b>DC-1</b>     | <b>DC-2</b>     | <b>DR-12</b>    |
|---|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|
| <b>Commercial Uses</b>                  |                 |                 |                  |                 |                 |                 |
| (A) Offices                             | P               | P               | L <sup>3,4</sup> | P               | P <sup>5</sup>  | L <sup>7</sup>  |
| (B) Clinics                             | P               | P               | L <sup>3,4</sup> | P               | P <sup>5</sup>  | L <sup>7</sup>  |
| (C) Retail Trade                        | P               | P               | L <sup>3,4</sup> | P               | P <sup>5</sup>  | L <sup>7</sup>  |
| (D) Retail Service                      | P               | P               | L <sup>3,4</sup> | P               | P <sup>5</sup>  | L <sup>7</sup>  |
| (E) Business Service                    | P               | P               | L <sup>3,4</sup> | P               | P <sup>5</sup>  | L <sup>7</sup>  |
| (F) Auto-Dependent Use                  | L <sup>9</sup>  | NP              | NP               | P               | P <sup>5</sup>  | NP              |
| (G) Outdoor Commercial                  | NP              | NP              | NP               | L <sup>6</sup>  | L <sup>6</sup>  | NP              |
| (H) Mini-Storage Facilities             | NP              | NP              | NP               | NP              | NP              | NP              |
| <b>Residential Uses</b>                 |                 |                 |                  |                 |                 |                 |
| (I) Attached Dwellings on a Single Lot  | L <sup>1</sup>  | P               | P                | L <sup>1</sup>  | L <sup>1</sup>  | P               |
| (J) Single Family Attached Dwelling     | P               | P               | P                | NP              | NP              | P               |
| (K) Single Family Detached Dwelling     | NP              | NP              | NP               | NP              | NP              | P               |
| (L) Ancillary Dwelling                  | P <sup>8</sup>  | P <sup>8</sup>  | P <sup>8</sup>   | P <sup>8</sup>  | P <sup>8</sup>  | P <sup>8</sup>  |
| (M) Residential Homes                   | NP              | NP              | NP               | NP              | NP              | P               |
| (N) Residential Facilities              | L <sup>1</sup>  | P               | P                | L <sup>1</sup>  | L <sup>1</sup>  | P               |
| (O) Mixed-Use Development               | P               | P               | P                | P               | P               | P               |
| (P) Temporary Health Hardship Dwellings | L <sup>11</sup> | L <sup>11</sup> | L <sup>11</sup>  | L <sup>11</sup> | L <sup>11</sup> | L <sup>11</sup> |
| (Q) Temporary Uses                      | P <sup>10</sup> | P <sup>10</sup> | P <sup>10</sup>  | P <sup>10</sup> | P <sup>10</sup> | P <sup>10</sup> |
| (R) Home Occupations                    | P               | P               | P                | P               | P               | P               |
| <b>Community Service Uses</b>           |                 |                 |                  |                 |                 |                 |
| (S) Type I                              | P               | P               | P                | P               | P               | P               |
| (T) Type II                             | P               | P               | P                | P               | P               | P               |
| (U) Type III                            | P <sup>2</sup>  | P <sup>2</sup>  | P <sup>2</sup>   | P <sup>2</sup>  | P <sup>2</sup>  | P <sup>2</sup>  |

**Table 4.1120 Notes:**

- 1 New attached dwellings on a single lot shall be permitted only within buildings where the entire ground floor is in commercial use, or behind buildings where the entire ground floor is in commercial use.
- 2 Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Downtown PD.
- 3 When included in a mixed-use development, commercial uses shall occupy no more than 50% of total floor area, or 5,000 square feet of floor area, whichever is larger.
- 4 The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 5,000 square feet.
- 5 The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 20,000 square feet.
- 6 The maximum site size for an outdoor commercial use is 2 acres. See [Section 4.1143](#) for other restrictions.
- 7 The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 2,500 square feet.

- 8 An ancillary dwelling shall be limited in size to a maximum of 750 square feet of floor area (See Section 10.0300 ).
- 9 In the CUC sub-district, auto-dependent uses are limited to sites fronting on major or principal arterials (See Section 4.1139).
- 10 See Section 10.1400 for Temporary Use standards and time limits.
- 11 Permitted only in conjunction with pre-existing single-family homes in accordance with Section 10.1300.

## **Downtown Plan Sub-District Standards**

### **4.1130 Downtown Plan District Standards**

Table 4.1130 summarizes development standards which apply within the Downtown PD. The standards contained in this table are supplemented by referenced Subsections of Section 4.1100, which provide additional clarification and guidance. Existing developments which do not meet the standards specified for a particular sub-district may continue in existence and be altered, subject to provisions of Section 8.0200, Existing and Nonconforming Uses.

**Table 4.1130 Downtown Plan Sub-District Development Standards**

|   | <b>CUC</b>   | <b>DT</b>   | <b>DR-30</b>   | <b>DC-1</b>                                       | <b>DC-2</b>  | <b>DR-12</b>   |
|---|--|---|--|---|--|--|
| <b>(A) Minimum Lot Size</b> (Section 4.1131)                    | None   | None  | None   | None  | None   | None   |
| <b>(B) Minimum Floor Area Ratio (FAR)</b> (Section 4.1132)      | .35 : 1 <sup>9</sup>   | .6 : 1 <sup>9</sup>   | None   | None  | None   | None   |
| <b>(C) Minimum Residential Density</b>                          | 17 units/ acre <sup>1</sup>  | 24 units/ acre <sup>1</sup>   | 17 units /acre <sup>1</sup>  | 17 units/ acre <sup>1</sup>                       | 17 units/ acre <sup>1</sup>  | None   |
| <b>(D) Maximum Residential Density</b>                          | None   | None  | 30 units/ acre   | 30 units/ acre                                    | 30 units/ acre   | 12 units/ acre   |
| <b>(E) Minimum Building Setbacks</b> (Section 4.1134)           | 0 feet front, side and rear for commercial; 5 feet front and streetside for single-family attached dwellings <sup>2</sup>  | 0 feet front, side and rear for commercial; 5 feet front and streetside for single-family attached dwellings <sup>2</sup> | 5 feet front; 10 feet rear; 0 feet interior side; 5 feet streetside <sup>2</sup>       | 0 feet front, side and rear, including streetside | 0 feet front, side and rear, including streetside                                    | 10 feet front and rear; 0 feet interior side; 10 feet streetside <sup>2</sup>        |
| <b>(F) Maximum Building Setbacks</b> (Section 4.1134)           | <u>Commercial</u> 10 feet front and street-side <sup>3</sup> ; None for interior side and rear. <u>Residential</u> 20 feet front; None for interior side and rear; 20 feet streetside <sup>2</sup> | 20 feet front; None for rear and interior side; 20 feet for streetside <sup>2,4</sup>                                     | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>2,4</sup> | None  | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>4</sup> | 20 feet front; None for rear and interior side; 20 feet for street-side <sup>4</sup> |
| <b>(G) Minimum Building Height</b> (Section 4.1133)             | 2 stories  | 2 stories   | 2 stories  | None  | None   | None   |
| <b>(H) Maximum Building Height</b> (Section 4.1133)             | 4 stories, which in total is not to exceed 60 feet   | 80 feet   | 45 feet  | 40 feet   | 4 stories, which in total is not to exceed 60 feet                                   | 35 feet  |
| <b>(I) Ground Floor Window Standards Apply</b> (Section 4.1135) | Yes  | Yes   | Yes  | Yes   | Yes  | Yes  |



**Table 4.1130 Downtown Plan Sub-District Development Standards, continued**

| <b>Standard:</b>   | <b>CUC</b>  | <b>DT</b>   | <b>DR-30</b>  | <b>DC-1</b>  | <b>DC-2</b>  | <b>DR-12</b>  |
|--|---|---|---|--|--|---|
| <b>(J) Minimum Off-Street Parking Required</b><br>(Section 4.1137)     | None required for commercial uses; 1 space/ unit for residential  | None required for commercial; 1 space/ unit for residential   | None required for commercial; 1 space/ unit for residential   | 80% of Code requirement for commercial; 1 space/ unit for residential                    | 80% of Code requirement for commercial; 1 space/ unit for residential                    | None required for commercial uses; 1 space/ unit for residential                                      |
| <b>(K) Maximum Off-Street Parking Permitted</b><br>(Section 4.1137)    | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential <sup>6,7</sup> | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential <sup>6,7</sup> | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential <sup>6,7</sup> | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential | Up to 125% of Code requirement for commercial; 2 spaces/ unit for attached residential <sup>6,8</sup> |
| <b>(L) Screening &amp; Buffering Required</b><br>(Section 4.1145)      | No  | No  | No  | No   | No   | No  |
| <b>(M) Residential Design Conformance Required</b><br>(Section 4.1142) | Yes   | Yes   | Yes   | Yes  | Yes  | Yes   |
| <b>(N) Signage Permitted</b><br>(Section 4.1146)                       | Yes   | Yes   | Yes   | Yes  | Yes  | Yes   |
| <b>(O) Clear Vision Area Required</b><br>(Section 4.1147)              | No  | No  | No  | No   | No   | No  |

**Table 4.1130 Notes**

- 1 Minimum residential density applies to residential projects only. There is no minimum density for residential uses in a mixed-use development.
- 2 There is no maximum setback for attached dwellings on a single lot which are located behind commercial buildings. Specific setbacks for single family attached dwellings are identified in Table 7.0201(M)(3)(a).
- 3 A maximum front or streetside setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided. (See Section 4.1134.)
- 4 The maximum front or streetside setback may be exceeded when enhanced pedestrian spaces and amenities are provided. (See Section 4.1134.)
- 5 Maximum permitted parking for attached dwellings on a single lot is 1.5 spaces per unit.
- 6 There is no maximum parking limitation for single-family attached dwelling units.

- 7 For commercial uses, when included in a mixed-use development, the maximum amount of off-street parking permitted is 125% of the parking required in Section 9.0851. When not included in a mixed-use development, the maximum amount of off-street parking permitted is based on the amount of floor space in commercial use (See Section 4.1137.)
- 8 For commercial uses, when included in a mixed-use development, the maximum amount of off-street parking permitted is 125% of the parking required in Section 9.0851. When not included in a mixed-use development, the maximum amount of off-street parking permitted is 50% of parking required in Section 9.0851.
- 9 These are minimum floor area ratios, expressed as the ratio of floor area to site area. (See the definition for floor area ratio in Section 3.0010.) There is no maximum permitted floor area ratio.

#### **4.1131 Lot Size**

There is no required minimum lot size for any use within the Downtown PD. Land divisions are subject to applicable provisions of Volume 3, Community Development Code.

#### **4.1132 Floor Area Ratio**

##### **(A) Purpose**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that more intensive forms of building development will occur in those areas appropriate for larger-scale commercial buildings and higher residential densities. The more intensive levels of development brought about by minimum FARs close to light-rail stations also encourage increased use of light rail transit.

##### **(B) FAR Standard**

The minimum floor area ratios contained in Table 4.1130(B) apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR.

#### **4.1133 Building Height**

##### **(A) Purpose**

The minimum and maximum building height standards are used to establish building scales in specific areas of the downtown, in order to achieve a pedestrian-friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a neighborhood and helps to bring about the successful mixing of diverse land uses and activities.

##### **(B) Height Standards**

Minimum and maximum building heights are specified in Table 4.1130(G) & (H). Any required building story must contain a habitable floor.

- (1) The minimum building height standard applies to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

- (2) Where a minimum building height of two stories is required, a building containing only one habitable floor will be considered to be in compliance with this requirement when the Manager finds, under the Type I Procedure, that the building is designed and built, in accordance with applicable codes, to provide for later installation of a second floor within the building shell as originally constructed. An applicant for a development permit may be required to provide drawings demonstrating the feasibility of later installation of the second floor, although detailed construction plans for the second floor need not be submitted until the time it is proposed to be installed. When construction of the second floor is deferred under this subsection, only the actual floor area available at the time of initial occupancy shall be used in calculations to determine conformance with a minimum floor area ratio requirement.
- (3) When constructing or installing a required second story, the floor area of the second story shall comprise not less than 50% of the total ground floor area. When such a partial second story is constructed or installed, the second story floor space shall be located over that portion of the ground floor which is nearest the abutting street or streets.
- (4) In addition to conforming with the Ground Floor Windows requirements of Section 4.1135, for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street.
- (5) Exceptions to the specified maximum height may be permitted as provided in Section 9.0901.
- (6) Height standards for single family attached dwelling buildings are in Table 7.0201(M)(3)(f).

#### **4.1134 Setbacks**

##### **(A) Purpose**

Required building setbacks work with standards for building height and size, and floor area ratios to ensure placement of buildings in a way which creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building scale, leading to a coherent design scheme appropriate for the various land use sub-districts of the Downtown PD.

##### **(B) Building Setback Standard**

Required minimum and maximum setback standards are specified in Table 4.1130 (E) & (F).

- (1) Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in Section 3.0010.
- (2) Conformance with maximum setback distance is achieved when no portion of a building facade is farther from the property line than the distance specified for Maximum Building Setback in Table 4.1130 (F). However, maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities in the setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks.
- (3) For single-family attached dwellings with direct auto access from the street, garage entrances shall not be closer to the street property line than any other portion of the front facade of the building. Setbacks for single family attached dwellings are listed in Table 7.0201(M)(3)(a).
- (4) For community service uses in the CUC and DT sub-districts, minimum and maximum setbacks shall conform with setback requirements for commercial uses, subject to modification as provided in Section 8.0100.

#### **4.1135 Ground Floor Windows**

##### **(A) Purpose**

Long expanses of blank walls facing the street or other public area severely detract from the attractiveness of an area and have negative impacts on the "pedestrian-friendliness" of the streetscape. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians. These standards also have the purpose of encouraging surveillance opportunities as buildings address abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment.

##### **(B) Ground Floor Windows Standards**

- (1) All new commercial, mixed-use and community service buildings in all sub-districts of the Downtown PD shall comply with the following standards for Ground Floor Windows, Window Walls and Blank Walls:
  - (a) All development shall provide ground floor windows along street facades. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
  - (b) Darkly tinted windows and mirrored windows that block two way visibility are prohibited as ground floor windows along street facades.
  - (c) Building frontages greater than 100 feet in length shall have offset jogs, using elements such as bay windows and recessed entrances for pedestrian scale.
  - (d) Any wall which is within 30 feet of the street, shall contain at least 20% of the ground floor wall area facing the street in display areas, windows, or doorways. Blank walls are prohibited.
  - (e) Buildings must include changes in relief on 15% of their street facades such as cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.
- (2) For all new multi-level parking structures, at least 50% of the structure's total ground-floor street frontage, excluding driveway entrances and elevators, shall be designed to accommodate commercial floor space, in addition to complying with Subsection (1). For purposes of complying with Subsection (1)(a) and (d)., any wall openings in a parking structure (except driveway entrances) which allow for viewing into the structure from an abutting street shall be considered the equivalent of display areas, windows, and doorways.

#### **4.1136 Building Orientation and Primary Entrance**

##### **(A) Purpose**

The purpose of this section is to require buildings and entrances to be oriented to the street, with windows looking out onto and surveying the street, in order to make walking safer and direct. Requirements for orientation and primary entrances are intended to:

- (1) Provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities;

- (2) Provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit stop; and
- (3) Promote use of pedestrian and transit modes of transportation to retail and commercial activities.

(B) Standards

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

- (1) All buildings shall have their primary entrances face an abutting street, rather than the parking area. Primary entrance is defined as the principal entry through which people enter the building. A building may have more than one primary entry, as defined in the Uniform Building Code.
- (2) Building entries must comply with the accessibility Standards as outlined in the Uniform Building Code, under Chapter 31 of Accessibility.
- (3) Buildings shall have a primary entrance connecting directly between the street and the building interior. This entrance shall be open to the public during all business hours.
- (4) Primary building entrances shall be architecturally emphasized and visible from the street.
- (5) All building entrances and exits shall be well lighted.
  - (a) Exterior lighting should be an integral part of the architectural and landscape design.
  - (b) The minimum lighting level for building entries is 4 foot-candles. Lighting shall be a pedestrian scale 3 feet - 12 feet and the source light shall be shielded to reduce glare.
- (6) For building facades over 300 feet in length facing a street, two or more building entrances on the street must be provided.
- (7) Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.
- (8) If the building has frontage on more than one street, the building shall provide a primary entrance oriented to one of the streets, or a single entrance to the corner where two streets intersect.

**4.1137 Off-Street Parking in the Downtown District**

See Section 9.0800 for general parking lot design standards and submittal requirements. Parking lot location shall be in accordance with Section 9.0821. Parking space minimums and maximums shall be as determined in Table 4.1130 and Section 9.0852(B). Parking for Community Service uses is as provided on Table 9.0851.

**4.1138 Alleys**

The use of alleys is encouraged for all types of development within the Downtown PD, as an alternative to access from streets. Alleys allow for more efficient use of development sites by reducing or eliminating the need for direct vehicular access from abutting streets. Alleys also support a more pedestrian orientation for buildings located on abutting lots, by encouraging those buildings to be placed closer to public streets and sidewalks and eliminating potential conflict between pedestrian and vehicle movements.

#### **4.1139 Auto Dependent Uses**

(A) Purpose

Most of the Downtown PD is intended to function as a pedestrian district. This means that most uses should be designed and developed at a pedestrian scale, with ease, safety, and convenience of pedestrian movement being a primary objective. In order for this objective to be achieved, it is important to limit movement of and volumes of automobile traffic within this pedestrian district. Auto-dependent uses are therefore directed to sites around the perimeter of the downtown area, where existing traffic volumes are already relatively high, and conflicts with pedestrian movements in the interior of the downtown area can be minimized.

(B) Auto-Dependent Uses Standard

Auto-dependent uses are permitted only in those sub-districts of the Downtown PD indicated in Table 4.1120. Within the CUC sub-district, auto-dependent uses are limited to sites fronting on streets classified as Major Arterials and Principal Arterials.

#### **4.1140 Drive-Through Uses**

(A) Purpose

As with auto-dependent uses, drive-through uses may conflict with the easy, safe, and convenient movement of pedestrians within the Downtown PD. Drive-through uses are therefore limited to create a more pedestrian-friendly environment where transit usage, bicycles, and walking are encouraged. Drive-through uses may therefore be appropriate in areas where concentrations of business uses are encouraged and where sites are abutting arterial streets with high traffic volumes. Drive-through uses are not appropriate in areas of the Downtown PD where housing is expected to be the dominant land use.

(B) Drive-Through Uses Standard

- (1) Drive-through uses are permitted in the DC-1 sub-district and the DC-2 sub-district.
- (2) Drive-through uses are permitted in the CUC and DT sub-districts when goods and services provided to drive-through customers are also available to pedestrian customers inside the main business building.
- (3) Drive-through uses are prohibited in the DR-30 and DR-12 sub-districts.

#### **4.1141 Site Landscaping**

(A) Purpose

A certain amount of site landscaping is required in the Downtown PD because it enhances the appearance of individual sites and the area in general. It also softens the frequently harsh visual effects of densely built up urban areas, and helps to reduce stormwater runoff by reducing impervious surface area.

(B) Site Landscaping Standard:

For all new development in the Downtown PD, any site area not developed for structures, paving, or enhanced pedestrian spaces shall be improved with landscaping, as defined in Section 3.0010. Examples of enhanced pedestrian spaces include plazas, arcades, gallerias, courtyards, outdoor

cafes, widened sidewalks, benches, shelters, street furniture, public art, and kiosks. There is no minimum site area landscaping requirement for new development.

#### **4.1142 Residential Design and Open Space**

(A) Purpose

These standards ensure good quality project design and a minimal amount of open space for occupants of residential developments, whether as attached dwellings on a single lot, or as single-family attached dwellings, or as part of a mixed-use development. Open space required by these standards increases the livability of neighborhoods within the Downtown PD, and provides outdoor living and recreational opportunities which are immediately available to residents.

(B) Site Design Criteria and Standards:

The site design criteria and standards of Section 7.0201 shall apply to all residential developments and to dwellings within a mixed-use development, except as provided below:

- (1) Attached dwellings on a single lot shall be exempt *only* from the following criteria and standards of Section 7.0201 (All other sections do apply.):
  - (a) Section 7.0201 (D) (1) through (5).
  - (2) Single-family attached dwellings are specifically required to meet the standards of Sections 7.0201(L) and (M) and shall be exempt only from the following criteria and standards of Section 7.0201(all other sections do apply):
    - (a) Section 7.0201 (D) (1) through (5);
    - (b) Section 7.0201 (I)
    - (c) Section 7.0201 (J) (7) and (10)
  - (3) Dwellings in mixed-use developments shall be exempt only from the following criteria and standards of Section 7.0201 (all other sections do apply):
    - (a) Section 7.0201 (D) (1) through (5);
    - (b) Section 7.0201 (I) and (J)

#### **4.1143 Outdoor Commercial Uses**

(A) Purpose

Commercial uses which allocate large portions of the site for outdoor storage or display of merchandise and materials are generally incompatible with the objectives of densely developed, pedestrian oriented districts, such as the Downtown PD. Uses of this type may preclude development of uses which are more active, and they often consist of commercial uses which are more automobile-oriented than pedestrian-oriented. However, certain types of outdoor commercial uses may be appropriate in areas of the perimeter of the Downtown PD, when those uses provide goods and services which support the pedestrian-oriented neighborhoods within the remainder of the Downtown PD.

(B) Prohibited Outdoor Commercial Uses

The following types of outdoor commercial uses shall be prohibited within the Downtown PD:

- (1) Vehicle sales lots;
- (2) Mobile home or manufactured home sales, service, or storage;
- (3) Recreational vehicles sales service, or storage.

(C) Criteria for Outdoor Commercial Uses

Outdoor commercial uses may be permitted within the DC-1 and DC-2 sub-districts, when the Manager finds conformance, under the Type I Procedure, with the following criteria:

- (1) Total site size for any outdoor commercial use shall not exceed two acres.
- (2) The amount of total site area covered by buildings shall amount to no less than 25% of the amount of site area used for outdoor storage or display.
- (3) Except for buildings used entirely for storage associated with the business, the maximum front or streetside setback for any building shall be 20 feet
- (4) Screening shall be provided along any portion of the site's frontage which is not occupied by a building or parking area, in a manner which satisfies standards for Landscape/Screening along a Public Right-of-Way, as contained in Section 9.0823(C)(3).

(D) Limitations on Outdoor Commercial Activity

In all areas of the Downtown PD except the DC-1 and DC-2 sub-districts, the amount of site area used for outdoor business activities, product display, or storage shall not exceed 50% of the amount of floor area on the site.

**4.1144 Commercial Parking Facilities**

See Section 9.0862 for commercial parking facility standards.

**4.1145 Buffering and Screening Requirements**

New development in the Downtown Plan District is exempt from the provisions of Section 9.0100 - Buffering and Screening, except where the proposed development abuts a lot that is outside the Downtown Plan District.

**4.1146 Signage**

The regulations of Section A6.100, Signs, shall be applied as follows in the Downtown PD.

- (A) The regulations of Section A6.100 shall be applicable in the CUC, DT, DC-1, and DC-2 sub-districts.
- (B) The regulations of Section A6.092 and A6.094 shall be applicable in the DR-30 sub-district.
- (C) The regulations of Section A6.094 shall be applicable in the DR-12 sub-district.
- (D) In all sub-districts, signage for multi-business complexes shall be regulated as provided in Section A6.101.



#### **4.1147 Clear Vision Area Requirements**

New development in the Downtown PD is exempt from the provisions of Section 9.0200 - Clear Vision Area.

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

(A) Purpose

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

(B) Provisions of this section shall apply to proposals for the following types of building construction within the CUC and DT sub-districts:

- (1) New attached dwellings;
- (2) New commercial buildings;
- (3) New mixed-use buildings;
- (4) New buildings connected to a community service use;
- (5) Substantial improvement (as defined in Sec. 3.0010) of any of the building types specified in this subsection;
- (6) Structural alteration to a façade which requires a building permit.

(C) Provisions of this section shall not apply to new accessory structures with less than 1,000 square feet of floor area, or to alternations of existing accessory structures with less than 1,000 square feet of floor area.

(D) In addition to other application materials required for a development permit, the applicant shall submit exterior building elevation drawings for the proposed construction at a minimum scale of one-eighth inch equals one foot. These plans shall show the size, location, materials, colors, and characteristics of all proposed exterior building features. For purposes of this section, color photographs may be submitted in lieu of exterior elevations for existing buildings.

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

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

(G) General Criteria for Architectural Design Review

- (1) Buildings should maintain and enhance the pedestrian scale and orientation of the downtown core. Facades should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes are encouraged to create the appearance of several smaller buildings.

- (2) Within the CUC all buildings should contain at least two stories, but should not exceed 4 stories.
- (3) Upper stories should be articulated with features such as bays and balconies.
- (4) To balance horizontal features on longer facades, vertical building elements, such as stairs to upper stories and building entries, should be emphasized.
- (5) Buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun.
- (6) Special attention should be given to designing a primary building entrance which is both attractive and functional. Primary entrance should be clearly visible from the street and incorporate changes in mass, surface, or finish to give emphasis to the entrance. All building entrances and exits should be well lit.
- (7) Certain buildings, because of their size, purpose, or location should be given special attention in the form of ornamental building features, such as towers, cupolas and pediments. Examples of these special buildings include theaters, hotels, cultural centers, and civic buildings.
- (8) Buildings located at the intersection of two streets should consider the use of a corner entrance to the building.
- (9) Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass should not be used.
- (10) Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete or stucco.
- (11) Preferred colors for exterior building finishes are earthtones, creams, and pastels of earthtones. High-intensity primary colors, metallic colors, and black should be avoided.
- (12) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be removed or screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
- (13) For buildings designed to house most types of retail, service, or office businesses, traditional storefront elements are encouraged for any facade facing a public street. These elements include:
  - (a) Front and side building walls placed within 10 feet of abutting street right-of-way boundaries;
  - (b) Clearly delineated upper and lower facades;
  - (c) A lower facade dominated by large display windows and a recessed entry or entries;
  - (d) Smaller, regularly spaced windows in upper stories;
  - (e) Decorative trim, such as window hoods, surrounding upper floor windows
  - (f) A decorative cornice near the top of the facade;
  - (g) Piers or pilasters, typically of masonry.

- (14) Individual windows in upper stories should conform with the following guidelines:
  - (a) Glass area dimensions should not exceed 5 feet by 7 feet (The longest dimension may be taken either horizontally or vertically.)
  - (b) Windows should have trim or moulding at least two inches wide around their perimeters.
  - (c) At least half of all the window area in upper stories should be made up of glass panes with dimensions no greater than 2 feet by 3 feet
- (15) Ornamental devices, such as moulding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear moulding or board, the band should be at least 8 inches wide.
- (16) Arbors or trellises supporting living landscape materials should be considered for ornamentation of exterior walls. Any such feature should cover an area of at least 100 square feet, and include sufficient plantings to achieve at least 30% coverage by plant materials within three years.

**(H) Commercial Infill Construction Near Traditional Storefront Buildings**

The following criteria shall apply when new construction or substantial improvements are proposed for a building which will contain commercial uses on a site which has frontage on the same street as a traditional storefront building, and where the traditional storefront building is located within 100 feet of the proposed construction. For purposes of this subsection, a traditional storefront building is considered to be a building having at least four of the characteristics listed in subsection (G)(13) of this section. The purposes of these criteria are to achieve coherence of design and visual continuity in areas of the CUC district where traditional storefront buildings are already established.

- (1) Patterns on the facades of traditional storefront buildings should be identified and repeated. A pattern is considered to be the arrangement of architectural objects or features in a formal or regular manner. Patterns may be present in the use of exterior building materials, entrances, windows, columns, ornamentation, or other
- (2) The existing alignment of architectural objects or features on the facades of traditional storefront buildings should be identified and maintained or strengthened. The alignment is considered to be the arrangement of items in straight lines. Types of alignments to be considered include the vertical and horizontal arrangement of objects or features on the building facades, and the placement of buildings on sites.
- (3) The size and shape of proposed construction should be comparable with the size and shape of nearby traditional storefront buildings. Where building sizes will not be equivalent or comparable, larger building facades should be broken down into units which resemble the size of existing storefront facades. Likewise, the form of new construction should seek to imitate the general shape of existing, nearby storefront buildings and their features.

**4.1149 Street Design Requirements**

**(A) Purpose:**

Special street design features will support the development of the downtown area as a focus of the community and as a pedestrian-oriented, transit-supportive district. Special features have been incorporated into some street designs in the Downtown Plan District. These requirements will ensure consistent application of appropriate treatments throughout the district.

(B) Standards:

- (1) All new development in all subdistricts of the Downtown PD, with the exception of shared streets (see subsection B(3) below) shall comply with the following standards for street design, as defined in the Public Works Standards:
  - (a) Decorative street lighting
  - (b) Sidewalk corridor:
    1. The standard sidewalk corridor shall consist of:
      - a. 6” wide curb,
      - b. 4’ to 6’-wide fixtures/planting zone for street trees, signs, utility and streetlight poles, street furniture, fire hydrants, etc.,
      - c. 6’-wide clear-through zone, and
      - d. 1’-0”-wide frontage zone.
    2. Where the sidewalk corridor is adjacent to a zero setback building face, the minimum requirements for the sidewalk shall be:
      - a. 6” wide curb,
      - b. 3’-wide fixtures/planting zone for street trees, signs, utility and streetlight poles, street furniture, fire hydrants, etc., and
      - c. 5’-6”-wide clear-through zone.
    3. Where the Manager determines that street trees are not required, the fixtures/planting zone may be reduced to 1’, and the clear-through zone may be reduced to 4’-6”.
    4. Where the existing right-of-way is too narrow to accommodate the required sidewalk corridor improvements, the applicant shall dedicate sufficient additional right-of-way or provide a sufficient public sidewalk easement to the interior frontage zone line, and provide all of the required improvements.
- (2) The Manager may require the following right-of-way improvements, as defined in the Public Works Standards, in addition to those required under Section A5.400:
  - (a) curb extensions
  - (b) decorative cross-walks
  - (c) landscaped medians and median island pedestrian refuges
  - (d) street trees of selected species consistent with existing street tree plantings
  - (e) tree well grates
  - (f) electrical outlets adjacent to street trees
  - (g) benches
- (3) “Shared” streets will be allowed in the Downtown Plan District by reference from Section 4.1247 of the Civic Neighborhood Plan District with the following exceptions:

- (a) Section 4.1247(B)(1)(a). The referred map is the Gresham Downtown Plan, Figure 1, in Appendix 37 of Volume 1 of the Gresham Community Development Plan.
- (b) Section 4.1247(B)(1)(b). A shared street in the Downtown Plan District shall be one-way and connect at both ends with a public Collector or Local street.
- (c) Section 4.1247(B)(2)(c)(1)(c). The referred table will be to Table 4.1130, Downtown Plan Subdistrict Development Standards.
- (d) Section 4.1247(B)(3). Street lights should refer to Public Works Standards Drawings 527 or 528.

#### **4.1150 Underground Utilities**

Undergrounding of utilities in the Downtown Plan District shall be in accordance with Section A5.510 - Underground Utilities.

## **Section 4.1200**

### **Civic Neighborhood Plan District**

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#### General

##### 4.1201 Purpose

#### Civic Neighborhood Sub-Districts Characteristics

4.1210 Transit Development District - Medium Density - Civic (TDM-C)

4.1211 Transit Development District - High Density - Civic (TDH-C)

4.1212 High-Density Residential - Civic (HDR-C)

4.1213 Moderate-Density Residential - Civic (MDR-C)

#### Permitted Uses

4.1220 Permitted Land Uses

#### Civic Neighborhood Sub-District Standards

4.1230 Civic Neighborhood Sub-District Development Standards

4.1231 Lot Size

4.1232 Minimum Densities

4.1233 Building Height

4.1234 Setbacks

4.1235 Ground Floor Windows, Window Walls, Blank Walls, and Design

4.1236 Building Lines, Orientation and Primary Entrance

4.1237 Off-Street Parking

4.1238 Auto Dependent Uses

4.1239 Drive-Through Uses

4.1240 Site Landscaping

4.1241 Residential Open Space and Design

4.1242 Architectural Design Review Guidelines

4.1243 View Protection

4.1244 Street Requirements

4.1245 Clear Vision Area Requirements

4.1246 Signage

4.1247 Street Design Requirements

4.1248 Mixed Use Requirements Adjacent to Civic Neighborhood LRT Station and Plaza

4.1249 Adjustments to Certain Development Standards on Primary Pedestrian Streets

### **General**

#### **4.1201 Purpose**

This section of the Community Development Code implements the Gresham Civic Neighborhood Plan District. The Gresham Civic Neighborhood Plan District is conceived as an extension of the Downtown and seeks to complement the established surrounding community. The Plan District is to become a mixed-use, transit centered neighborhood that includes uses and features associated with the center of the City. It will embody civic qualities and is likely to inspire a sense of civic pride in those who use it. In order to accomplish these purposes, four land use sub-districts are designated exclusively within the boundaries of the Civic Neighborhood Plan District. All of the sub-districts permit commercial,

residential, and mixed-use developments. The sub-districts are distinguished by differences in emphasis on primary uses and intensity of development. The four land use sub-districts are designed to work together to result in a lively, prosperous neighborhood that serves as an attractive place to live, work, shop, and recreate with less reliance on the automobile than is typical elsewhere in the community. Map 4.1200A – Gresham Civic Neighborhood Land Use Sub-Districts (Appendix 38, Volume 1-Findings, Gresham Community Development Plan) shows the land use plan for the district.

## **Civic Neighborhood Sub-District Characteristics**

### **4.1210 Transit Development District - Medium Density - Civic (TDM-C)**

This designation affects land in the Civic Neighborhood which has good access both to existing and future light rail stations and to abutting arterial streets. Primary uses permitted include commercial, retail, and service uses occupying the ground floor area and all or a portion of the second story. Also permitted are mixed-use and multi-family developments with a minimum density of 24 units per acre. Larger buildings are encouraged in these areas, with parking under, behind, or to the sides of buildings.

### **4.1211 Transit Development District - High Density - Civic (TDH-C)**

This designation affects land around existing and future light rail stations in the Civic Neighborhood area. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and multi-family residential at a minimum density of 30 units per acre. Larger buildings are encouraged in these areas, with parking under, behind, or to the sides of buildings. Free-standing retail uses are allowed up to 10,000 square feet of floor area.

### **4.1212 High-Density Residential - Civic (HDR-C)**

This designation is applied to property which is within walking distance of light rail stations, but generally somewhat farther removed from the stations than the TDH-C district. Areas designated HDR-C are high-density residential neighborhoods with a minimum of 24 units per acre. Secondary uses include neighborhood commercial uses, smaller scale offices and neighborhood parks. Small free-standing Office-Commercial uses are allowed within mixed-use developments, provided they do not occupy more than 50% of the residential floor area, and that minimum residential densities are met. Retail uses in free-standing buildings are not permitted, but are allowed within mixed-use buildings, provided they do not occupy more than 10,000 square feet of floor area, and that minimum residential densities are met.

### **4.1213 Moderate-Density Residential - Civic (MDR-C)**

This designation is applied to property which is within walking distance of light rail stations and bordering Wallula. Areas designated MDR-C are moderate-density residential uses with a minimum density of 17 units per acre. Typical forms of housing include row houses, garden apartments, condominiums, and podium apartments. Mixed-use and neighborhood-scale commercial uses are allowed to locate within residential buildings occupying up to 100% of the ground floor area provided that minimum residential densities are met.

For purposes of this Plan District, the boundaries of the sub-districts shall be the centerline of the adjacent public rights of way depicted on the Community Development Plan Map. Any modification of the centerline of such rights of way pursuant to [Section 4.1244](#) below shall result in a corresponding modification of the affected sub-district boundary.

## Permitted Uses

### 4.1220 Permitted Land Uses

Table 4.1220 lists the types of land uses which are permitted in the Civic Neighborhood Plan District. A "P" in this table indicates that a use type is permitted in that sub-district, subject to conformance with applicable provisions of this section and other sections of the Community Development Code. An "L" in this table indicates a use type which may be permitted in that sub-district, but which is limited in the extent to which it may be permitted. An "NP" in this table indicates a use type which is not permitted in that sub-district. Existing uses which are not permitted in a particular sub-district may continue in existence, subject to provisions of Section 8.0200, Existing and Nonconforming Uses.

**Table 4.1220 Permitted Use**

| Use Categories:                         | TDM-C           | TDH-C                 | HDR-C             | MDR-C             |
|---|-----------------|-----------------------|-------------------|-------------------|
| <b>Commercial Uses</b>                  |                 |                       |                   |                   |
| (A) Offices                             | P               | P <sup>12</sup>       | L <sup>4</sup>    | L <sup>2</sup>    |
| (B) Clinics                             | P               | P <sup>12</sup>       | L <sup>4</sup>    | L <sup>2</sup>    |
| (C) Retail Trade                        | P <sup>8</sup>  | L <sup>3, 8, 12</sup> | L <sup>5,8</sup>  | L <sup>2,8</sup>  |
| (D) Retail Service                      | P <sup>8</sup>  | L <sup>3, 8, 12</sup> | L <sup>5, 8</sup> | L <sup>2, 8</sup> |
| (E) Business Service                    | P <sup>8</sup>  | P <sup>8, 12</sup>    | L <sup>5, 8</sup> | L <sup>2,8</sup>  |
| (F) Auto-Dependent Use                  | L <sup>7</sup>  | L <sup>7, 12</sup>    | L <sup>7</sup>    | L <sup>7</sup>    |
| (G) Mini-Storage Facilities             | NP              | NP                    | NP                | NP                |
| <b>Residential Uses</b>                 |                 |                       |                   |                   |
| (H) Attached Dwellings on a Single Lot  | P               | P                     | P                 | P                 |
| (I) Single-Family Attached Dwellings    | P               | P                     | P                 | P                 |
| (J) Single-Family Detached Dwelling     | NP              | NP                    | NP                | NP                |
| (K) Ancillary Dwelling <sup>10</sup>    | NP              | NP                    | NP                | P                 |
| (L) Residential Homes                   | NP              | NP                    | NP                | NP                |
| (M) Residential Facilities              | P               | P                     | P                 | P                 |
| (N) Temporary Health Hardship Dwellings | L <sup>6</sup>  | L <sup>6</sup>        | L <sup>6</sup>    | L <sup>6</sup>    |
| <b>Community Service Uses</b>           |                 |                       |                   |                   |
| (O) Type I                              | P               | P <sup>12</sup>       | P                 | P                 |
| (P) Type II                             | P               | P <sup>12</sup>       | P                 | P                 |
| (Q) Type III                            | P <sup>1</sup>  | P <sup>1, 12</sup>    | P <sup>1</sup>    | P <sup>1</sup>    |
| (R) Mixed-Use Development               | P <sup>11</sup> | P <sup>11, 12</sup>   | P <sup>11</sup>   | P <sup>11</sup>   |
| (S) Temporary Uses                      | P <sup>9</sup>  | P <sup>9</sup>        | P <sup>9</sup>    | P <sup>9</sup>    |
| (T) Home Occupations                    | P               | P                     | P                 | P                 |

**Table 4.1220 Notes:**

<sup>1</sup> Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Civic Neighborhood Plan District.

<sup>2</sup> When included in a mixed use building, this use may occupy up to 100% of the total ground floor area. Commercial uses are not permitted in any mixed-use development where the minimum residential density is not met.



- 3 When included in a mixed-use development, the maximum building footprint size for a free-standing building occupied by retail uses shall be 10,000 square feet. Theaters, hotels and restaurants are not subject to this size limitation, and are permitted as stand alone uses.
- 4 This use is allowed only in mixed-use developments. Office and clinic uses shall not exceed 50% of the proposed residential floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met.
- 5 These uses are permitted only within mixed-use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.
- 6 Permitted only in conjunction with pre-existing single-family homes in accordance with Section 10.1300.
- 7 Auto-Dependent Uses are limited to sites fronting on Burnside, Eastman, and Division (See Section 4.1238).
- 8 The amount of site area used for outdoor business activities, product display, or storage shall not exceed 50% of the amount of floor area on the site.
- 9 See Section 10.1400 for Temporary Use standards and time limits.
- 10 Refer to Section 10.0300 - Ancillary Dwellings
- 11 For purposes of Table 4.1220, a Mixed-Use Development is the combination on a site of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses. A Mixed-Use Building is the combination within a building of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses.
- 12 For Blocks A-6, A-9 and A-10, these uses shall be permitted only when minimum residential densities are met.

## **Civic Neighborhood Sub-District Standards**

### **4.1230 Civic Neighborhood Sub-District Standards**

Table 4.1230 summarizes development standards which apply within the Civic Neighborhood Plan District and which may, as provided in Section 4.1000(C), modify or replace other standards contained in the Community Development Code and implementing regulations. The standards contained in this table are supplemented by referenced subsections of Section 4.1200, which provide additional clarification and guidance. Existing developments which do not meet the standards specified for a particular sub-district may continue in existence and be altered, subject to provisions of Section 8.0200, Existing and Nonconforming Uses.

**Table 4.1230 Civic Neighborhood Sub-District Development Standards**

|  | <b>TDM-C</b>   | <b>TDH-C</b>   | <b>HDR-C</b>  | <b>MDR-C</b>  |
|--|--|--|---|---|
| <b>(A) Minimum Lot Size</b><br>(Section 4.1231)                                  | None   | None   | None  | None  |
| <b>(B) Minimum Average Floor Area Ratio (FAR)</b> (Sec 4.1232)                   | 0.4:1 south;<br>0.6:1 north <sup>5</sup>   | 1.1:1  | None  | None  |
| <b>(C) Minimum Residential Density</b> (Section 4.1232)                          | 24 units/net acre  | 30 units/net acre  | 24 units/net acre   | 17 units/net acre   |
| <b>(D) Maximum Residential Density</b>   | None   | None   | None  | 30 units/net acre   |
| <b>(E) Minimum Building Setbacks</b><br>(Section 4.1234)                         | 0 feet   | 0 feet   | 0 feet  | 5 feet front; 10 feet rear; 0 ft. interior side; 5 feet street side, 20 feet from Wallula ROW |
| <b>(F) Maximum Building Setbacks on all street frontages</b><br>(Section 4.1234) | 0 feet on Primary Pedestrian Streets; 5 feet on all other frontage abutting a public right of way <sup>3</sup> | 0 feet on Primary Pedestrian Streets; 5 feet on all other frontage abutting a public right of way <sup>3</sup> | 0 feet on Primary Pedestrian Streets; 5 ft. on all other frontage abutting a public right of way <sup>3</sup> | 20 feet front; none for rear & interior side; 20 feet for street-side <sup>3</sup>            |
| <b>(G) Minimum Building Height</b> (Section 4.1233)                              | 22 feet <sup>1</sup>   | 22 feet <sup>1</sup>   | 22 feet <sup>1</sup>  | 22 feet <sup>1</sup>  |
| <b>(H) Maximum Building Height</b><br>(Section 4.1233)                           | 40 feet, or 80 feet maximum with built-in fire protection system   | 40 feet, or 80 feet maximum with built-in fire protection system   | 40 feet, or 80 feet maximum with built-in fire protection system <sup>6</sup>                                 | 40 feet   |
| <b>(I) Minimum Off-Street Parking Required</b> (Section 4.1237)                  | None required for Commercial uses 1 space/unit for residential   | None required for Commercial uses 1 space/unit for residential   | None required for Commercial uses 1 space/unit for residential  | None required for Commercial uses 1 space/unit for residential                                |
| <b>(J) Maximum Off-Street Parking Permitted</b> (Section 4.1237)                 | Residential 1½ space/ unit.<br>Commercial <sup>2, 4</sup>  | Residential 1½ space/ unit.<br>Commercial <sup>2, 4</sup>  | Residential 1½ space/ unit.<br>Commercial <sup>2, 4</sup>   | Residential 1½ space/ unit.<br>Commercial <sup>2, 4</sup>                                     |
| <b>(K) Ground Floor Window Standards Apply</b> (Section 4.1235)                  | Yes  | Yes  | Yes   | Yes   |
| <b>(L) Screening &amp; Buffering Required</b> (Section 9.0100)                   | N  | N  | N   | N   |

**Table 4.1230 Notes:**

- <sup>1</sup> Two story frontages are required on designated Primary Pedestrian Streets. (For purposes of the Civic Neighborhood Plan District, a Primary Pedestrian Street is a street so designated on Map 2 of Appendix 38, Volume 1 of the Community Development Plan.)
- <sup>2</sup> For mixed use developments, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.
- <sup>3</sup> The maximum front or streetside setback may be exceeded subject to the Manager’s approval when enhanced pedestrian spaces and amenities are provided. (See Section 4.1234)
- <sup>4</sup> See Maximum Parking Table, Section 9.0852(A).
- <sup>5</sup> A minimum FAR of 0.4:1 is required south of the MAX line; and a minimum FAR of 0.6:1 is required to the north of the MAX line.
- <sup>6</sup> A maximum building height of 60 feet applies to the eastern-most tax lot of Parcel A3 fronting NW Florence Avenue and designated HDR-C.

**4.1231 Lot Size**

There is no required minimum lot size for any use within the Civic Neighborhood Plan District. Land Divisions are subject to provisions of Appendix 5.000 of the Gresham Community Development Code.

**4.1232 Minimum Densities**

(A) Purpose

Minimum densities are a tool for achieving the intensity of development. Minimum FAR's help to ensure that the most intensive forms of building development will occur in those areas appropriate for multi-story commercial buildings and higher residential densities. The more intensive levels of development brought about by minimum FAR's close to light-rail stations also encourage increased use of light rail transit.

(B) Minimum Densities

Required minimum densities shall be calculated on a project by project basis, and may include multiple contiguous blocks. Each project shall meet residential or commercial density requirements. In the case of a master plan, minimum densities will be calculated on the development of the master plan area as a whole. In residential zones allowing commercial uses, minimum residential densities shall be met within each project. Projects involving part of a block shall be required to submit a master plan showing how whole block standards will be met. However, in the case of a master plan, no commercial phase shall be developed to a density of less than 75% of the required minimum FAR. A master plan may not depend on redevelopment of early phases to achieve overall minimum density requirements.

(C) FAR Standard

The minimum floor area ratios contained in Table 4.1230 apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR.

(D) Transfer of Floor Area and Residential Density

In the TDH-C and HDR-C subdistricts, floor area and residential density may be transferred between sites located within either of these same subdistricts through the Type II process. The sites are not required to be abutting; however, both the sending site and receiving site must be located within the Civic Neighborhood Plan District. Floor area and residential density transfers are subject to the following:

- (1) Buildings on each site may not exceed the height limit established for that site by Section 4.1233.
- (2) Transfers from sending sites are limited to 50% of the required minimum average floor area ratio and minimum residential density applicable to that site.
- (3) Transfers to receiving sites are limited to 100% of the minimum floor area ratio and minimum residential density applicable to that site. Receiving sites must be developed to achieve at least the minimum floor area ratio and minimum residential density applicable to that site plus any transferred density.
- (4) All involved property owners must be parties to the Type II application for the density transfer.

#### **4.1233 Building Height**

##### **(A) Purpose:**

The minimum and maximum building height standards are used to establish appropriate scales of buildings in specific areas of the Civic Neighborhood, to achieve a pedestrian-friendly character supportive of a dense mix of residential and commercial uses. Buildings which are compatible in scale help to create a harmonious visual setting which enhances the livability of a neighborhood.

##### **(B) Minimum Height Standards**

The minimum building height requirement of 22 feet is applicable to all street frontages in the Plan District, but is not applicable to parts of buildings which are not visible from streets adjacent to the building.

- (1) Minimum building height standards apply to new commercial and residential buildings. They do not apply to accessory structures, one-time additions or expansions of non-conforming structures of no more than 25% and less than 1,000 square feet, or buildings of less than 1,000 square feet in area.
- (2) Facades of at least two stories are required on designated Primary Pedestrian Streets.
- (3) Where two stories are required, the second story shall be designed in conformance with Section 4.1235 (B)(1)(b) and (d) for any facade which faces a public street.

##### **(C) Maximum Height Standards**

Three stories or 40 feet unless equipped with built-in fire protection systems. When fire sprinklers, alarms, and when needed, enclosed, pressurized exit stairwell systems are provided, the building height may be increased to 80 feet. No increase in height above 40 feet is permitted in MDR-C subdistricts.

##### **(D) Second Story Active Uses along Primary Pedestrian Streets**

On Primary Pedestrian Streets north of the MAX line, the second story shall contain floor space suitable for occupancy by commercial, residential or community service use, or an atrium, and shall have a minimum depth from the Primary Pedestrian Street of 30 feet. Parking structures constructed per the requirements of Section 4.1235(B)(2) are exempt from this section. (See Section 4.1248 for mixed use requirements adjacent to the LRT station and public plaza.) Primary and Secondary Pedestrian Streets are shown on Map 4.1247A.

##### **(E) Height standards for single family attached dwellings are identified in Table 7.0201(M)(3)(f).**

#### **4.1234 Setbacks**

(A) Purpose

Required building setbacks are devised to complement applicable standards for building heights and floor area ratios to ensure placement of buildings in a way which creates an attractive streetscape and pleasant pedestrian environment. These regulations also assist compatibility of building scale, leading to coherent design schemes throughout the Civic Neighborhood Plan District.

(B) Building Setback Standard

Required minimum and maximum setback standards are stated in Table 4.1230. These setback standards apply to buildings only.

- (1) Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in Section 3.0010 - Definitions.
- (2) Conformance with maximum setback distance is achieved when no portion of a building's primary façade(s) is farther from the adjacent property line than the distance specified for Maximum Building Setback in Table 4.1230. However, maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities which occupy not less than 100% of the additional setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. In addition, the maximum setback distance may be exceeded for purposes of complying with Section 4.1235(B)(1)(c) and (e).
- (3) For single-family attached dwellings with direct auto access from the street, garage entrances shall not be closer to the street property line than any other portion of the front facade of the building. Setback standards for single family attached dwellings are specified in Table 7.0201(M)(3)(a).

#### **4.1235 Ground Floor Windows, Window Walls, Blank Walls, and Design**

(A) Purpose

Long expanses of blank walls facing the street or other public area severely detract from the attractiveness and perceived safety of pedestrians using those spaces. The standards of this section are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities as buildings address abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment.

(B) Standards

- (1) All new commercial, mixed-use and community service buildings in the Civic Neighborhood PD shall comply with the following standards for Ground Floor Windows, Window Walls and Blank Walls:
  - (a) All development shall provide ground floor windows along street facades, in conformance with Subsection d, below. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.

- (b) Darkly tinted windows and mirrored windows that block two way visibility are prohibited as ground floor windows along street facades.
  - (c) Where building frontage along a street is greater than 100 feet in length in the HDR-MDR, and TDH sub-districts, or greater than 200 feet in length in the TDM sub-district, elements such as bay windows and recessed entrances shall be used for pedestrian scale.
  - (d) Except in the TDM-C sub-district, any wall which is within 30 feet of the street shall contain at least 50% of the ground floor wall area facing the street in display areas, windows, or doorways. In the TDM-C sub-district, any wall which is within 30 feet of a primary pedestrian street, and within 30 feet of a secondary pedestrian street shall contain at least 50% and 20%, respectively, of the ground floor wall area facing the street in display areas, windows, or doorways. Primary and Secondary Pedestrian Streets are shown on Map 4.1247A.
  - (e) Buildings must include changes in relief on 15% of their street facades such as cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.
- (2) For all new multi-level parking structures fronting a primary pedestrian street, at least 50% of such ground-floor street frontage, excluding driveway entrances and elevators, shall be designed to accommodate commercial floor space, in addition to complying with subsection (1). For purposes of complying with subsection (1) (a) and (d), any wall openings in a parking structure (except driveway entrances) which allow for viewing into the structure from an abutting street shall be considered the equivalent of display areas, windows, and doorways.

**4.1236 Building Lines, Orientation and Primary Entrance**

(A) Purpose:

The purpose of this section is to require buildings and entrances to be oriented to the street, with windows looking out onto and surveying the street, in order to make walking safe and direct. Requirements for orientation and primary entrances are intended to:

- (1) Provide for convenient, direct, and accessible pedestrian routes to and from public sidewalks and transit facilities;
- (2) Provide for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and
- (3) Promote the use of pedestrian and transit modes of transportation to retail and commercial facilities.

(B) Standards:

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

- (d) Primary building entrances shall be architecturally emphasized and visible from the street.
- (e) The minimum lighting level for building entries is 4 foot-candles. Lighting shall be a pedestrian scale 3 feet to 12 feet and the source light shall be shielded to reduce glare.
- (f) For building facades over 300 feet in length in the HDR, MDR, and TDH sub-districts, and over 350 feet in length in the TDM sub-district, respectively, facing a street, two or more building entrances on the street must be provided.
- (g) Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.
- (h) If the building has frontage on more than one street, the building shall provide a primary entrance facing one of the streets, or a single entrance to the corner where two streets intersect.

#### **4.1237 Off-Street Parking**

See Section 9.0800 for general parking lot design standards and submittal requirements. Parking lot location shall be in accordance with Section 9.0821. Parking space minimums and maximums shall be as determined in Table 4.1230(I) and (J), Table 4.1230(A), and Section 9.0852(A). Interim Parking is permitted in the Civic Neighborhood, when in accordance with Section 9.0860.

#### **4.1238 Auto Dependent Uses**

##### **(A) Purpose:**

The Civic Neighborhood Plan District is intended to function equitably for all modes. This means that most uses are designed and developed at a pedestrian scale, with ease, safety, and convenience of pedestrian movement being a primary objective. In order for this objective to be achieved, it is important to limit the number of vehicles and their movements within this district. Auto dependent uses, to the extent that they are permitted in this Plan District, are therefore limited to perimeter sites where existing traffic volumes are already relatively high, and conflicts with pedestrian movements within the Civic Neighborhood Plan District would be minimal.

##### **(B) Auto-Dependent Uses Standard:**

Auto-dependent uses are limited to sites fronting on Burnside Road, Eastman Parkway, and Division Street.

#### **4.1239 Drive-Through Uses**

##### **(A) Purpose:**

Drive-through uses (defined in Section 3.0010) conflict with the safe and convenient movement of pedestrians and bicycles within the Civic Neighborhood Plan District. Drive-through uses are therefore not permitted in the Civic Neighborhood except when such use is incidental to a primary site use, and when designed in conformance with the following standards.

##### **(B) Drive-Through Uses Standards:**

- (1) The drive-through use shall be limited to one service window which is part of a primary use structure, and to no more than two queuing lanes.
- (2) No curb cuts are permitted for the exclusive use of drive-through queuing or exit lanes on Burnside Road, Eastman Parkway, and Division St.
- (3) The drive-through service window and queuing lane(s) shall be located as far as practical from any nearby transit facility.

#### **4.1240 Site Landscaping**

(A) Purpose

Some site landscaping is required in the Civic Neighborhood Plan District because it contributes to the quality and character of open spaces. It also helps to reduce stormwater runoff by reducing impervious surface area.

(B) Site Landscaping Standard

There is no minimum site area landscaping requirement. For all new development in the Civic Neighborhood Plan District, any site area not developed for building, parking, or enhanced pedestrian spaces shall be improved with landscaping, as defined in Section 3.0010. Examples of enhanced pedestrian spaces include plazas, arcades, galleries, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. Street trees are required, as provided in Section 9.1020.

#### **4.1241 Residential Open Space and Design**

(A) Purpose

These standards ensure a minimal amount of open space for residents of all new attached dwellings on a single lot, whether as part of a mixed-use development, or as a free-standing residential development. However, to encourage greater densities and maximize efficient use of site areas, shared open spaces are not required in residential developments. Outdoor private space required in Section 7.0201 increases the livability of neighborhoods within the Civic Neighborhood Plan District, and provides outdoor living and recreational opportunities which are immediately available to residents.

(B) Required Residential Open Space

The site design criteria and standards of Section 7.0201 shall apply to all residential developments and to dwellings within a mixed-use development, except as provided below:

- (1) Attached dwellings on a single lot shall be exempt from the following criteria and standards of Section 7.0201:
  - (a) Section 7.0201(D) (1) through (5).
- (2) Single-family attached dwellings are required to meet the standards of Sections 7.0201(M) and (L) and shall be exempt only from the following criteria and standards of Section 7.0201(all other sections do apply):
  - (a) Section 7.0201(D) (1) through (5);
  - (b) Section 7.0201(K);
  - (c) Section 7.0201(J) (7) and (10)
- (3) Dwellings in mixed-use developments shall be exempt only from the following criteria and standards of Section 7.0201(all other sections do apply):
  - (a) Section 7.0201(D) (1) through (5);
  - (b) Section 7.0201(I) and (J)



#### **4.1242 Architectural Design Review Guidelines**

(A) Purpose

The guidelines contained in this section are intended to encourage good quality design in new building construction within the Civic Neighborhood Plan District, and are not to be construed as mandatory approval criteria. Good design results in buildings which are visually compatible with one another and adjacent neighborhoods contributing to a district which is attractive, stimulating, active, and safe. These qualities in turn contribute to the creation of a Civic Neighborhood core which facilitates easy pedestrian movement and establishment of a rich mixture of uses. A diversity of architectural styles is encouraged in the District.

(B) Provisions of this section shall apply to proposals for the following types of building construction within the Civic Neighborhood Plan District:

- (1) New attached dwellings;
- (2) New commercial buildings;
- (3) New mixed-use buildings;
- (4) New buildings connected to a community service use;
- (5) Substantial improvement (as defined in Section 3.0010) of any of the building types specified in this subsection.
- (6) Structural alteration to a façade which requires a building permit.

(C) Provisions of this section shall not apply to new accessory structures with less than 1,000 square feet of floor area, or to alternations of existing accessory structures with less than 1,000 square feet of floor area.

(D) In addition to other application materials required for a development permit, the applicant shall submit exterior building elevation drawings for the proposed construction at a minimum scale of one-eighth inch equals one foot. These plans shall show the size, location, materials, colors, and characteristics of all proposed exterior building features. For purposes of this section, color photographs may be submitted in lieu of exterior elevations for existing buildings.

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

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

(G) General Guidelines for Architectural Design Review

- (1) Buildings should promote and enhance a comfortable pedestrian scale and orientation. Facades should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes are encouraged to create the appearance of several smaller buildings.
- (2) Upper stories should be articulated with features such as bays and balconies.
- (3) To balance horizontal features on longer facades, vertical building elements, such as stairs to upper stories and building entries, should be emphasized.

- (4) Buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun.
- (5) Special attention should be given to designing a primary building entrance which is both attractive and functional. Primary entrances should be clearly visible from the street, and incorporate changes in mass, surface, or finish to give emphasis to the entrance. All building entrances and exits should be well lit.
- (6) Certain buildings, because of their size, purpose, or location should be given special attention in the form of ornamental building features, such as towers, cupolas and pediments. Examples of these special buildings include theaters, hotels, cultural centers, and civic buildings.
- (7) Buildings located at the intersection of two streets should consider the use of a corner entrance to the building.
- (8) Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass should not be used.
- (9) Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete or stucco.
- (10) Preferred colors for exterior building finishes are earthtones, creams, and pastels of earthtones. High-intensity primary colors, metallic colors, and black should be avoided.
- (11) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be removed or screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
- (12) For buildings designed to house most types of retail, service, or office businesses, traditional storefront elements are encouraged for any facade facing a primary pedestrian street. These elements include:
  - (a) Front and side building walls placed within 10 feet of abutting street right-of-way boundaries;
  - (b) Clearly delineated upper and lower facades;
  - (c) A lower facade containing large display windows and a recessed entry or entries;
  - (d) Smaller, regularly spaced windows in upper stories;
  - (e) Decorative trim, such as window hoods, surrounding upper floor windows;
  - (f) A decorative cornice near the top of the facade;
  - (g) Piers or pilasters, typically of masonry.
- (13) Individual windows in upper stories should conform with the following guidelines:
  - (a) Glass area dimensions should not exceed 5 feet by 7 feet (The longest dimension may be taken either horizontally or vertically.)
  - (b) Windows should have trim or molding at least two inches wide around their perimeters.

- (14) Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band should be at least 8 inches wide.
- (15) Arbors or trellises supporting living landscape materials should be considered for ornamentation of exterior walls. Any such feature should cover an area of at least 100 square feet, and include sufficient plantings to achieve at least 30% coverage by plant materials within three years.

#### **4.1243 View Protection**

##### **(A) Purpose**

Views of nearby features such as the station plaza, and of distant objects such as Cascade mountain peaks contribute to the special identity of the Civic Neighborhood. Each new building will inevitably limit views from buildings and sites nearby. The purpose of this guideline is to ensure that all reasonable care is taken to avoid obstructing valued views.

##### **(B) View Protection Guidelines**

No public view corridors have been designated within or across the Plan District. In siting, orienting and designing structures anywhere within the Civic Neighborhood, consideration shall be given to public and private views from within the Neighborhood and beyond, which may be affected by new construction or associated landscaping. While it is unreasonable to deny the right to develop a site because views will be affected, it is reasonable to require the applicant to consider such factors as alteration of grade, height of buildings, length of buildings, siting and orientation. Also to be considered are species and locations of trees and shrubs to be planted, and the height and transparency of fences and other structures. Applicants shall, therefore, demonstrate that minimization of view encroachment has been taken into consideration in proposed developments, provided that such consideration shall not be a basis for review of or authorization of a proposed project.

##### **(C) Special provisions for northwest portions of the site which are above the 330 foot contour are given below:**

###### **(1) Purpose**

The northwestern portion of the Civic Neighborhood stands atop a bluff providing an unobstructed view of Mount Hood to the east. This scenic view should be preserved in a manner benefiting all the potential uses of this area, both to enhance and to increase the desirability of those uses and the likelihood of successful development.

###### **(2) Maximizing Scenic Views Guideline**

All development atop the bluff in the northwestern portion of the Civic Neighborhood shall be designed to achieve a reasonable balance between (1) taking advantage of the scenic view, if desired, and (2) permitting the scenic view to be available to other development atop the bluff. Factors to be considered in achieving this balance shall include alterations of grade, height of buildings, length of buildings, and vegetation. Vegetation, while desirable, should be limited in height so as to avoid any diminution of the scenic view.

#### **4.1244 Street Requirements**

##### **(A) Purpose**

Public right of way widths and alignments are described in Section 4.1247 Street Design Requirements for the Civic Neighborhood Plan District, and are generally to be adhered to. Map 4.1247A – Functional Street Classifications, shows the Civic Neighborhood street plan. However, lateral adjustment of some streets may be allowed in order to provide greater flexibility in the configuration of development. In addition, this section provides for street and pedestrian/bicycle accessway design flexibility when specific development opportunities are realized.

##### **(B) Street Improvements and Standards**

- (1) The Functional Street Classification plan for the Civic Neighborhood is shown on Map 4.1247A, and streets, accessways and multi-use pathways shall be constructed per the standards contained in Section 4.1247.
- (2) Gresham Civic Neighborhood Pedestrian Accessways shown on Map 4.1247A may be replaced with a Shared Street if criteria for Shared Streets are met, and the replacement is approved by the Director.
- (3) A Shared Street may be constructed as adjacent properties are developed at locations shown on Map 4.1247A, and per standards in Section 4.1247. Shared Streets are subject to the following criteria:
  - (i) A Shared Street must connect at both ends with a public street;
  - (ii) Shared Streets shall be permanent public access easements;
  - (iii) If the Shared Street design is not desired or approvable, a local street shall be provided per the requirements of Section 4.1247.
  - (iv) Developments adjacent to Shared Streets are subject to the requirements of Section 4.1236-Building Lines, Orientation and Primary Entrances.
- (4) If a Shared Street is proposed to replace a Pedestrian Accessway through Blocks A9-10, a GCN Pedestrian Accessway is required from NW Civic Drive to the Shared Street if the Shared Street does not extend to NW Civic Drive.

##### **(C) Standards for Street Modification**

- (1) Public rights of way shown on the Plan Maps may be shifted by up to half the width of the right of way (30 feet) provided that all of the following conditions are satisfied:
  - (i) All shifts shall be parallel to the mapped right-of-way center line;
  - (ii) Shifts shall not result in mis-aligned intersections within the Civic Neighborhood or across the streets which bound the neighborhood;
  - (iii) Shifts shall not affect mapped crossings or potential crossings of the light rail line.
- (2) The street separating Blocks G1 and G2 may be removed if a major commercial development is proposed. The development must include:
  - (i) Ground floor retail with retail, office or residential uses above the ground floor;
  - (ii) Pedestrian access from NW Civic Drive to NW Sleret Drive, accessible to the public during normal business hours;
  - (iii) Conformance with one of the two following criteria must be met:

- a. A minimum of 100,000 square feet of gross leasable area must be provided, or
- b. Significant topographic constraints exist.

(D) Pedestrian/Bicycle Facilities

Pedestrian/Bicycle facilities are shown on Map 4.1247A and shall be constructed per the standards in Section 4.1247.

**4.1245 Clear Vision Area Requirements**

New development in the Civic Neighborhood Plan District is exempt from the Street and Railroad Clear Vision Area standards of Section 9.0200.

**4.1246 Signage**

A-Board signs may be permitted as provided in Appendix 6.000 . The regulations of Section A6, shall be applied as follows in the Civic Neighborhood Plan District:

- (A) The regulations of Section A6.100 shall be applicable in the TDH-C and TDM-C sub-districts.
- (B) The regulations of Section A6.092 and A6.094 shall be applicable in the HDR-C sub-district.
- (C) The regulations of A6.094 shall be applicable in the MDR-C sub-district.
- (D) In all sub-districts, signage for multi-business complexes shall be regulated as provided in Section A6.101.

**Section 4.1247 Street Design Requirements**

(A) Purpose

Special street design features will support pedestrian-oriented, transit-supportive development in the Civic Neighborhood Plan District. These requirements will ensure consistent application of appropriate treatments throughout the district.

(B) Standards

All new development in the Civic Neighborhood Plan District shall comply with the following standards for street design in addition to the Public Works Standards. If a conflict arises, the Civic Neighborhood Plan District Street Standards supercedes the Public Works Standards.

(1) Streets

- (a) Five Functional Street Classifications shall apply to the Civic Neighborhood Plan District (refer to Map 4.1247A and Public Works Standards Drawings 536, 537, 538). Table 1 notes the Functional Classifications and associated streets.

Table 1: Street Classifications

|  | <b>Civic<br/>Neighborhood<br/>Boulevard</b> | <b>Civic<br/>Neighborhood<br/>Collector</b> | <b>Civic<br/>Neighborhood<br/>Community<br/>Street</b> | <b>Civic<br/>Neighborhood<br/>Local</b> | <b>Civic<br/>Neighborhood<br/>Shared Street</b> |
|--|---|---|--|---|---|
| ROW                                    | 98' to 116'                                 | 80'   | 60' to 80'   | 60'                                     | 40' Easement                                    |
| Travel Lane                            | 11'   | 11'   | 11'  | 9'                                      | 11' one-way                                     |
| On-Street<br>Parking***                | 0' or 7'                                    | 7'  | Allowed  | 7'                                      | Allowed   |
| Bike Lane<br>(both sides of<br>street) | 6'  | 6'  | Allowed  | Not required                            | Not required                                    |
| Sidewalk<br>Corridor                   | 15'   | 15'   | 13' to 15'   | 13'                                     | See Section<br>4.1247(B)(1)(b<br>)              |
| Landscaped<br>Median                   | 12' to 16'                                  | As required by<br>Manager*                  | Not Required   | As required by<br>Manager* **           | Not required                                    |
| Streets                                | Burnside,<br>Division,<br>Eastman           | Civic Drive,<br>Norman,<br>Wallula          | See Map<br>4.1247A                                     | See Map<br>4.1247A                      | See Map<br>4.1247A                              |

Note:

\*In areas where traffic volumes and/or pedestrian volumes are high, and/or in areas where a high level of conflict between automobile traffic and pedestrians are projected, the Manager may require the following right-of-way improvements as defined in the Public Works Standards, in addition to those required under Section A5.400: landscaped medians, median island pedestrian refuges, traffic calming circles, and/or other mitigation measures.

\*\* The Manager may approve an adjustment to the sidewalk corridor and right-of-way for local streets not designated Primary Pedestrian Streets per Section 4.1247(B)(2)(c).

\*\*\*On-street parking may be eliminated on one or both sides of a Local Street when it can be demonstrated that the on-street parking conflicts with adjacent land use. If on-street parking is removed, the Local Street ROW may be reduced accordingly (7' or 14').

- (b) The shared street is intended for local access only and will help assure a continuous and connected street grid pattern where a local street may not be feasible, due to topography or other factors (see Map 4.1247A). A shared street shall be one-way and must connect at both ends with a public street (Civic Neighborhood Collector or Civic Neighborhood Local).

The shared street is shared by all travel modes. It includes landscaping and may include parking, and pedestrian amenities. The typical curb and sidewalk grade changes are eliminated for a single surface. The same paving material may cover the entire street width. Interlocking-pavers are preferred and color variations to demarcate parking or other special features are encouraged. There are no conventional, straight stretches of pavement with raised curbs. Pavement and sidewalks are not rigidly demarcated. The impression that the street is divided into a separate roadway for cars and pedestrians shall be avoided (refer to Figure A11.001, Appendix 11.000).

A 40-foot public access easement shall be dedicated for a shared street. Within the 40-feet, 11-foot maximum is dedicated to an automobile pathway that may also be used by bicycles,

and pedestrians. The automobile pathway shall meander to allow automobile speeds of no faster than 10 to 15 mph. The street design shall encourage drivers to travel at a walking pace. Car speed and movement is restricted by physical barriers, and by deviations, bends, and undulations in the street. The centerline can shift up to 45 degrees at intervals. In general a shared street should appear as a pedestrian-only street yet accessible to automobiles (refer to Figure A11.002, Appendix 11.000).

The entrances and exits of a shared street shall be designed so that they can be clearly recognized and obvious to automobile drivers. Signs, raised pavement, colored pavers, and other distinctive design features shall be used to physically control travel speeds immediately upon entry of the shared street, and to clearly indicate the new street environment to all users.

A maximum volume of 800 vehicles per day is allowed on a shared street. A Civic Neighborhood Local Street shall be constructed if projected traffic volumes exceed 800 vehicles per day. The maximum length of a shared street shall be 900 feet. The minimum intersection spacing for shared streets shall be the same as for local streets at 100 feet.

Table 2: Shared Street Minimum Requirements

|                               |   |
|-------------------------------|---|
| <b>Public Access Easement</b> | 40 feet. Allowed within this space: automobile pathway, bicycle and pedestrian facilities, parking, lighting, landscaping, other pedestrian amenities such as benches. This is a single surface space with no demarcation or elevation changes for pedestrians. |
| <b>Travel Lane Width</b>      | 11 feet one-way travel  |
| <b>Design Speed</b>           | 10 to 15 mph  |
| <b>ADT</b>                    | Maximum of 800 vehicles per day   |
| <b>Street Length</b>          | Maximum of 900 feet   |
| <b>Intersection Spacing</b>   | Minimum of 100 feet   |

- (c) Any substitution material or alternate method not explicitly approved by the Public Works Standards will be considered for approval as set forth in Section 1.0010 of the Public Works Standards. Persons seeking such approvals shall make application in writing. Approvals of any major deviation from the Public Works Standards shall be in written form. Approval of minor matters shall be made in writing if requested.

Any alternate must meet or exceed the minimum requirement in the Public Works Standards. The written application is to include, but is not limited to, the manufacturer's specifications and testing results, design drawings, calculations, and other pertinent information.

Any deviations or special problems shall be reviewed on a case-by-case basis and approved by the City's Engineer. When requested by the City, full design calculations shall be submitted for review with the request for approval.

(2) Sidewalk Corridor:

(a) The standard sidewalk corridor shall consist of the following (refer to Figure A11.003, Appendix 11.000):

1) A 6" wide curb

2) In primary commercial zones:

- a) A minimum 4-foot wide amenities zone abutting the curb for street trees, signs, utility and streetlight poles, fire hydrants, bike racks, etc. The amenity zone shall be hard surfaced and a contrasting color and texture from the sidewalk as approved by the Manager.
- b) A minimum 9-foot wide through-zone that is clear of all obstacles including utility vaults. Tree wells shall not be included in the 9-foot through-zone. The through-zone shall parallel the street and provide a direct, hard-surfaced, walking path.

(b) In primary residential zones:

- 1) The amenity zone shall be a minimum of 5-feet and landscaped with a low growing groundcover, such as grass, as approved by Manager. The Manager may approve the use of hard surface of contrasting color and texture from the sidewalk in lieu of landscaping only where needed to accommodate pedestrian amenities such as street furniture or water fountains.
- 2) A minimum 8-foot wide through-zone that is clear of all obstacles including utility vaults. Tree wells shall not be included in the 8-foot through zone. The through zone shall parallel the street and provide a direct, hard-surfaced, walking path.

(c) Adjustments:

1) The Manager may approve an adjustment to the sidewalk corridor and right-of-way for local streets not designated Primary or Secondary Pedestrian Streets when:

a) The adjacent use is primarily residential;

b) There are fewer than three commercial building entries accessing the sidewalk;

c) Residential density on the abutting block is less than 50 percent higher than the minimum residential density specified in Table 4.1230.

2) In no case shall the sidewalk corridor consist of less than a 4-foot amenity zone and a 6-foot through-zone.

3) All other requirements of Section 4.1247(B)(2) shall apply.



- (d) Overhead awnings or arcades shall be designed to protect the through-zone from rain water runoff.
- (e) Street Trees:
  - 1) Street trees shall be placed in the amenity zone. Trees placed back of walk are not considered street trees and do not fulfill the requirements of Section 9.1020.
  - 2) Tree grates or pavers shall be used in hard surfaced amenity zones. Plastic tree grates are not allowed (refer to Public Works Standards Drawing 533).
  - 3) Recommended street trees are designated per functional street classification as noted in Table 3.

Table 3: Street Tree Recommendations

| <b>Civic Neighborhood Boulevard</b>  | <b>Civic Neighborhood Collector</b>                                       | <b>Civic Neighborhood Local or Shared</b>   |
|--|---|---|
| Littleleaf Linden<br>Northern Red Oak<br>Accolade Elm<br>Autumn Purple White Ash | Red Sunset Maple<br>Hedge Maple<br>Queen Elizabeth Maple<br>Bowhall Maple | White or Green Ash<br>Aristocrat Callery Pear<br>Columnar Sargent Cherry<br>European Hornbeam |

- (3) Street lights: Decorative pedestrian scale street lighting is required as specified in Public Works Standards Drawings 528 or 532.
- (4) Intersections:
  - (a) Intersection corners shall be clear of control boxes, street trees, utilities, etc. Traffic signs and signal poles shall be placed outside of the pedestrian through zone (refer to Figure A11.004, Appendix 11.000).
  - (b) All crosswalks shall have a contrasting color and texture detail. Colored pavers or concrete is required (refer to Public Works Standard Drawings 534 and 535).
  - (c) Curb extensions shall be required for all intersections and mid-block pedestrian crossings.
  - (d) In no case shall the curb to curb width be less than 20 feet.
- (5) Shopping cart storage shall not be allowed within public rights-of way.
- (6) Any encroachments located in the public right-of-way or public pedestrian easement shall be subject to design approval by Manager.
- (7) Pedestrian connections (multi-use paths and GCN Pedestrian Accessways) shall be constructed as noted in Map 4.1247A. Specific alignments shall be reviewed and approved by the Manager and shall provide the point-to-point connections indicated.
  - (a) The multi-use path shall be constructed of concrete and meet the requirements of the neighborhood pedestrian accessway standard (refer to Section A5.508 and Public Works Standard Drawing 515).

(b) The Civic Neighborhood Pedestrian Accessway shall be used where indicated on Map 4.1247A.

1) The Civic Neighborhood Pedestrian Accessway is a 20-to 40-foot public access easement or dedication. Within the 20-to 40-feet, a 12-to 20-foot wide concrete pathway is required. Other hard-surfaced materials may be used as a substitute to concrete with sufficient justification and approval by the Manager. The remaining space will be dedicated to landscaping, including trees, water features, and other pedestrian amenities (refer to Figure A11.005, Appendix 11.000).

2) Non-permanent cart vendors, kiosks, outdoor restaurant seating, etc. may be allowed in a Pedestrian Accessway provided a minimum 12-foot wide pathway is continually clear of any and all obstructions.

3) The Pedestrian Accessway shall be lighted per the multi-use path standards in section A5.508.

4) Local Streets or Shared Streets may be used in lieu of a Pedestrian Accessway subject to approval of the Manager.

(c) The multi-use path linking NW Council Drive at NW Florence Avenue to NW Shattuck Way shall provide a connection to NW Shattuck Way within an area extending at least 100 feet from the intersection with NW Burnside and 100 feet from the intersection with NW Florence Avenue.

**Map 4.1247A follows:**



#### **4.1248 Mixed Use Requirements Adjacent to Civic Neighborhood LRT Station and Plaza**

(A) Purpose

The purpose of this section is to require development projects adjacent to the Civic Neighborhood LRT Station and the public plaza planned on the north side of the station to contain a variety of commercial, residential and community service uses. A mix of uses will assure a high level of pedestrian activity in the area at most times of the day, and will contribute to “eyes on the street”, enhancing security and safety in the area.

(B) Standards

- (1) Development facing the light rail station, and facing the public plaza as shown on Map 4.1247A shall provide for a mix of uses. On these facing developments, retail, service commercial, professional office, or community service uses are required on the ground floor. Lobbies or entrances to residential uses are also permitted.
- (2) Ground floor retail, service commercial, professional office and community service uses shall have primary customer entrances oriented toward the light rail station and public plaza. Off-street parking and loading is not permitted along these frontages.
- (3) Above the ground floor, professional office, community service or residential uses are required, and the facing development shall have a minimum depth of 30 feet.

#### **4.1249 Adjustments to Certain Development Standards on Primary Pedestrian Streets**

(A) Purpose

Development standards for Primary Pedestrian Streets are designed to achieve the purpose statement for the Civic Neighborhood, that is to achieve a mixed-use, transit centered neighborhood that has a high quality pedestrian environment and includes uses and features associated with the center of the City. However, because of the varied topographic conditions found within the Civic Neighborhood, some sites are difficult to develop in compliance with certain development standards. The adjustment process allows applicants to propose alternative designs that are consistent with the purpose of the standards and findings are made that the approval criteria are met.

(B) Approval Criteria

Adjustment requests will be approved through a Type II process if the review body finds that the applicant has shown that all approval criteria have been met.

- (1) Granting the adjustment will continue to meet the purpose of the standard(s) to be modified in an acceptable alternative manner; and
- (2) The proposal will not significantly detract from the livability or appearance of an area and the proposal will be consistent with the desired character of the area; and
- (3) If more than one adjustment is being requested, the cumulative effect of the adjustments as well as each individual adjustment results in a project which is still consistent with the overall purpose, goals and standards of the zone; and
- (4) Granting the adjustment is the minimum necessary to allow the proposed use of the site, and any impacts resulting from the adjustment are mitigated to the extent practical.

(C) Standards That May be Adjusted

The following standards may be adjusted using the adjustment process.

- (1) 4.1233(B)(1) and (2). Requires facades of at least two stories.
- (2) 4.1233(D). Requires second story active uses.
- (3) 4.1235(B). Requires ground floor windows.
- (4) 4.1236(B). Requires a primary entrance connecting to a street.

(D) Sites Eligible for Adjustment Process

- (1) Sites where existing grades or necessary overall site grading results in a finished grade at the street right-of-way that is a minimum of six feet higher or lower than the abutting sidewalk grade.

## **Section 4.1300 Gresham Butte Plan District**

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### General

4.1301 Purpose

### Development Standards

4.1310 Types of Development Allowed and Setback Minimum

4.1311 Density and Average Lot Sizes

4.1312 Site Development Requirements

### General

#### **4.1301 Purpose**

The Gresham Butte Plan District is an overlay district providing special regulations covering the Gresham Butte area of the city. The boundaries of the Gresham Butte Plan District are shown on the Gresham Butte Overlay Map in Appendix 41 of Volume 1, Gresham Community Development Plan. Contained in this section are special requirements for development within this area.

Special requirements for this area are provided to preserve the natural beauty of Gresham Butte. In addition, the requirements are needed to provide for the unique development conditions experienced on Gresham Butte including special needs in the areas of storm water management, fire protection and access management.

The uses permitted and standards applied match those of the underlying zoning district and the Hillside Physical Constraint District unless modified by this section.

### Development Standards

#### **4.1310 Type of Development Allowed and Setback Minimum**

The underlying zone district development types are allowed except the Gresham Butte Plan District specifically prohibits:

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

The underlying zone district setback requirements are required except that the side yard setback shall be a minimum of 10 feet to encourage side yard planting.

#### 4.1311 Density and Average Lot Sizes

Table 4.1311(A) summarizes the density and lot size requirements which apply to the Gresham Butte Plan District.

**Table 4.1311(A)**

| Standard         | Requirement              | Calculation Method  |
|------------------|--------------------------|---|
| Maximum Density  | 1 D.U./Acre              | Property Area = Gross Property Area as described by recorded legal description or existing boundary survey<br>Rounding of D.U. = 1/2 Acre or more will round up to the next D.U. (i.e. 1.50 Acres = 2 D.U., 1.499... = 1 D.U.)*   |
| Average Lot Size | Minimum Average = 1 Acre | If separate open space area(s)** is(are) created, the area of the open space tract(s) is(are) added into the area calculation but is not counted towards the total dwelling unit count (i.e. Lot A = .5 Acres, Lot B = .3 Acres, Lot C = .5 Acres and Open Space Tract D = 1.7 Acres would result in an average lot size of 1 acre) |

\*Existing vacant properties under .5 acre, with adequate space get credit for one dwelling unit.

\*\*Separate open space must be put in a tract or tracts owned and maintained by all of the property owners of the lots created with the land division. Tract deeds and maintenance agreement(s) must be approved by the City of Gresham prior to the recordation of the final plat or final subdivision.

#### 4.1312 Site Development Requirements

The Site Development Requirements of the underlying zone shall apply unless modified by this section.

(A) Development on a Lot of Record

A lot of record may be developed with a permitted use as per the Gresham Community Development Code. Development on a lot of record must be developed with dwellings protected with a fire sprinkler system consistent with Subsection (B) below.

(B) Fire Suppression Systems Required

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

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

(C) Access Requirements

Access to Gresham Butte shall be enhanced through upgrades to the existing SW Walters Road as described in the City of Gresham Capital Facilities Plan.

All development shall be designed to the greatest extent possible to create connectivity between streets and sidewalks and the public trail system as described in the Gresham Trails Master Plan.

(D) Area-wide and Basin Specific Utility Facilities

In order to effectively manage stormwater runoff from development on Gresham Butte, new development shall participate in area-wide or basin specific stormwater management solutions where the City of Gresham best design approaches indicates an area-wide solution based on efficiency for long term maintenance and safety considerations.

This participation may also be required for other utilities given the unique topographic and open space features of Gresham Butte. Other facilities preliminarily identified, include but are not limited to sanitary sewer systems and water systems.

(E) Modifications to Public Facility Standards

For SW Walters Road and in the Gresham Butte Plan District, standards of Appendix 5.000 - Public Facilities, Gresham Community Development Code, may be modified including right of way, width, pavement, sidewalk, and other standards with approval by the Manager



## **Section 4.1400**

### **Pleasant Valley Plan District**

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#### **General Provisions**

- 4.1401 Purpose
- 4.1402 Pleasant Valley Plan District Plan Map
- 4.1403 Pleasant Valley Sub-Districts in General

#### **Pleasant Valley Residential Sub-Districts**

##### **Purpose and Characteristics**

- 4.1404 Low-Density Residential - Pleasant Valley (LDR-PV)
- 4.1405 Medium-Density Residential - Pleasant Valley (MDR-PV)
- 4.1406 High-Density Residential - Pleasant Valley (HDR-PV)

##### **Permitted Uses**

- 4.1407 Permitted Uses

##### **Standards**

- 4.1408 Development Standards Table
- 4.1409 Building Height and Height Transition Standards
- 4.1410 Duplexes in the LDR-PV Sub-district
- 4.1411 Safe Neighborhood Design Performance Standards
- 4.1412 Public Facilities and Supplemental Requirements

#### **Pleasant Valley Mixed-Use and Employment Sub-Districts**

##### **Purpose and Characteristics**

- 4.1416 Town Center - Pleasant Valley (TC- PV)
- 4.1417 Mixed-Use Employment - Pleasant Valley (MUE-PV)
- 4.1418 Neighborhood Center – Pleasant Valley (NC-PV)
- 4.1419 Employment Center - Pleasant Valley (EC-PV)

##### **Permitted Uses**

- 4.1420 Permitted Uses

##### **Standards**

- 4.1421 Development Standards Table
- 4.1422 Minimum Floor Area Ratio
- 4.1423 Setbacks
- 4.1424 Building Height
- 4.1425 Transit Design Criteria and Standards
- 4.1426 Landscaping
- 4.1427 Commercial Uses
- 4.1428 Architectural Design Review
- 4.1429 Public Facilities and Supplementary Requirements

## **Pleasant Valley Environmentally Sensitive/Restoration Areas**

### Purpose

4.1430 Purpose

### General

- 4.1431 How the ESRA-PV Works
- 4.1432 ESRA-PV Map Applicability
- 4.1433 ESRA-PV Sub-district Permit
- 4.1434 Emergencies

### Prohibited, Exempted and Regulated Uses

- 4.1435 Prohibited Uses
- 4.1436 Uses Allowed Outright (Exempted)
- 4.1437 Uses Allowed Under Prescribed Conditions

### Development Standards

- 4.1438 General Development Standards
- 4.1439 New Development Standards
- 4.1440 Existing Development Standards
- 4.1441 Standards for Utilities, Utility Lines and Stormwater Facilities
- 4.1442 Standards for Rights of Way
- 4.1443 Standards for Land Divisions
- 4.1444 Standards for Trails
- 4.1445 Mitigation Standards
- 4.1446 Alternative Mitigation Standards
- 4.1447 Adjustment from Standards

### Application Requirements

- 4.1448 Development Permit Application Type
- 4.1449 Required Site Plans
- 4.1450 Mitigation Plan Report

### Miscellaneous

- 4.1451 Density Transfer
- 4.1452 Map Verification and Modification of ESRA-PV Boundary
- 4.1453 Corrections to Violations
- 4.1454 Consistency and Relationship to Other Regulations

## **Pleasant Valley Overlay Sub-Districts**

### General

- 4.1460 Overlay Sub-districts in General
- 4.1461 Sub-district Location and Boundaries

### Purpose and Characteristics

- 4.1462 Elementary School Overlay – Pleasant Valley (ESO-PV) and Middle School Overlay – Pleasant Valley (MSO-PV)
- 4.1463 Neighborhood Park Overlay (NPO-PV)
- 4.1464 Community Park Overlay (CPO-PV)
- 4.1465 Neighborhood Transition Design Area Overlay Sub-district

### Additional Pleasant Valley Standards

- 4.1468 Green Development Practices and Green Streets for Stormwater Management
- 4.1469 Tree Planting Requirements

### **Pleasant Valley Master Plans**

#### General

- 4.1470 Purpose
- 4.1471 Applicability
- 4.1472 Master Plans and Refinements of Sub-district Boundaries

#### Submittal Requirements and Standards

- 4.1473 Level of Detail
- 4.1474 Size of Master Plan
- 4.1475 Neighborhood Design Guidelines
- 4.1476 Housing Variety
- 4.1477 Density Transition
- 4.1478 Neighborhood Transition Design Areas
- 4.1479 Circulation Network
- 4.1480 Parks, Open Space, and Natural Areas
- 4.1481 Storm Management, Green Development Practices and Green Streets
- 4.1482 Water and Sanitary Sewer Systems

#### Master Plan Procedures

- 4.1483 Procedures
- 4.1484 Approval Criteria
- 4.1485 Duration and Implementation
- 4.1486 City-Initiated Master Plan

## **General Provisions**

### **4.1401 Purpose**

This section of the Community Development Code implements the Pleasant Valley Plan District (Plan District). The purposes of the Plan District are to: (1) implement the Comprehensive Plan's goals, policies, and action measures for Pleasant Valley; (2) create a complete urban community as defined by the Comprehensive Plan; and, (3) further the central theme of Pleasant Valley's vision to integrate land use, transportation, and natural resources. Pleasant Valley is intended to be a complete community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration, and enhancement of the natural resources.

The Plan District is intended to:

- (A) Implement the overall Plan District purposes stated above,
- (B) Guide the use, development, conservation, and environmental restoration of land within Pleasant Valley,
- (C) Establish standards that are intended to guide individual land use decisions and development to result in a cohesive community,
- (D) Create a harmonious and sustainable relationship between urban development and the unique natural landscape of Pleasant Valley and the surrounding region, and
- (E) Establish the land use framework from which the logical and efficient provision of public facilities and services may occur.

Per Section 4.1471 master plan approvals are required before or concurrent with any development applications under Section 6.0200 Partitions and Subdivisions and/or Article VII Site Design Review. Subsequent land use approvals must be consistent with the master plan.

### **4.1402 Pleasant Valley Plan District Plan Map**

The purpose of the Pleasant Valley Plan District Plan Map (Plan Map) is to establish land use designations for Pleasant Valley. The Plan Map designations are to be used as the basis for amending the Community Development Plan Map. The Community Development Plan Map is amended at time of annexation and in conjunction with a master plan. Once the Community Development Plan Map is amended it becomes the basis for all land use decisions and development permits.

The Plan Map identifies the general boundaries for Sub-districts and Overlay Sub-districts. Circulation and design elements are also shown to provide context and promote the integration of land use, transportation, and natural resources, and implement the goals, policies, and recommended action measures in the Comprehensive Plan. Amendments to the Community Development Plan and master plans must be consistent with the Plan Map and other applicable codes and regulations of the City.

### **4.1403 Pleasant Valley Sub-districts In General**

The Plan District Sub-districts listed below apply to land in the Plan District. They are intended to work together to result in a complete community that includes attractive places to live, work,

shop, and recreate, together with natural resource areas that are integrated into the urban environment, consistent with the purposes in Section 4.1401 and the Comprehensive Plan.

The Sub-districts in Pleasant Valley are:

Full Name (Short Name/Map Symbol)

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

Medium-Density Residential - Pleasant Valley (MDR - PV)

High-Density Residential - Pleasant Valley (HDR - PV)

Town Center - Pleasant Valley (TC - PV)

Neighborhood Center - Pleasant Valley (NC - PV)

Mixed-Use Employment - Pleasant Valley (MUE - PV)

Employment Center - Pleasant Valley (EC - PV)

Environmentally Sensitive/Restoration Areas - Pleasant Valley (ESRA-PV)

## **Pleasant Valley Residential Sub-districts**

### **Purpose and Characteristics**

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

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

A mix of lot sizes and housing variety within the LDR-PV Sub-district areas in the Plan District as a whole and generally in individual neighborhoods is intended.

The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan consistent with the purposes in Section 4.1476. The approved master plan shall provide for an average density of 5.3 to 7.9 dwellings per net residential acre in this Sub-district.

#### **4.1405 Medium-Density Residential – Pleasant Valley (MDR-PV)**

The Medium-Density Residential (MDR-PV) Sub-district provides a range of detached and attached dwelling units. Development in this sub-district shall be arranged to form part of an individual neighborhood, as well as serve as a transition between low density residential and employment and high-density housing types and Sub-districts. The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan. A mix of housing types in the MDR-PV Sub-district in the entire Plan District and generally in individual neighborhoods is intended.

The approved master plan shall provide for an average density of 12-20 dwelling units per net residential acre in this Sub-district consistent with the purposes in Section 4.1476. Elderly housing at 20-62 dwelling units per net residential acre is allowed pursuant to Section 8.0100, Community Services.

#### **4.1406 High-Density Residential - Pleasant Valley (HDR-PV)**

The High Density Residential (HDR-PV) Sub-district is intended to accommodate the highest density housing in Pleasant Valley. As with the LDR-PV and MDR-PV Sub-districts, HDR-PV contributes to completing a variety of housing within, and as part of, individual neighborhoods. Two types of HDR-PV areas, “attached housing” and “town center housing,” are provided to create a complete community with housing choices that reflect differing needs and opportunities within Pleasant Valley. Elderly housing is recognized as a special housing need within Pleasant Valley that helps create a complete community. The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan consistent with the following:

(A) Attached Housing Areas in HDR-PV

The HDR-PV attached housing areas allow attached housing, including for rent and owner occupied housing, at an average density of 20-30 dwelling units per net acre. Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to Section 8.0100, Community Services.

(B) Town Center Housing Areas in HDR-PV

The HDR-PV area located generally south of the town center (west of the BPA power line and north of Kelley Creek) allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley. Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to Section 8.0100, Community Services.

A mix of housing types in the HDR-PV Sub-district across the entire Plan District and generally in individual neighborhoods is intended.

### **Permitted Uses**

#### **4.1407 Permitted Uses**

The types of land use, which are permitted in the Pleasant Valley Residential Sub-districts, are listed in Table 4.107. Permitted uses are designated with a “P”. An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An “NP” means that use is not permitted in the specified Sub-district(s). “NP” is only used if the use category is “P” or “L” in another Sub-district in the table. A use category not listed in this table is “NP.” Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

| <b>Table 4.1407 Residential Permitted Uses</b>         |                |                |                |
|--|----------------|----------------|----------------|
| <b>Use Categories:</b>                                 | <b>LDR-PV</b>  | <b>MDR-PV</b>  | <b>HDR-PV</b>  |
| (A) Single-Family Detached Dwelling                    | P              | P              | NP             |
| (B) Manufactured Homes on Individual Lots              | P              | P              | N              |
| (C) Attached Dwellings on a Single Lot                 | NP             | P              | P              |
| (D) Single Family Attached Dwellings (2 units)         | L <sup>1</sup> | P              | P              |
| (E) Single Family Attached Dwellings (3 or more units) | NP             | P              | P              |
| (F) Two-unit Attached Dwellings                        | L <sup>2</sup> | P              | P              |
| (G) Accessory Dwellings                                | P              | P              | NP             |
| (H) Community Services                                 | L <sup>3</sup> | L <sup>4</sup> | L <sup>4</sup> |
| (I) Accessory Structures                               | P              | P              | P              |
| (J) Home Occupations                                   | P              | P              | P              |
| (K) Temporary Uses                                     | P              | P              | P              |
| (L) Residential Facility                               | P              | P              | P              |
| (M) Residential Home                                   | P              | P              | NP             |
| (N) Live-Work <sup>5</sup>                             | NP             | P              | P              |

**Key:**

*P = Permitted*

*L = Limited*

NP = Not Permitted

**Table 4.1407 Notes:**

<sup>1</sup> Lot size may be reduced to 3,500 square feet.

<sup>2</sup> Duplexes are permitted under the provisions of section 4.1410.

<sup>3</sup> Community Services Type II (I) and Type III (C)(D)(E)(G)(I)(J)(M)(N)(O)(P)(T)(U)(V) are not allowed.

<sup>4</sup> Community Services Type III (D)(E)(G)(I)(J)(W) are not allowed.

<sup>5</sup>For purposes of Table 4.1407, a live-work unit is a structure that combines a limited office, retail services, and/or business services use with a residential living space. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

## Standards

### 4.1408 Development Standards Table

The development standards listed in Table 4.1421 are applicable to all development within the Pleasant Valley Residential Sub-districts. Development within these Sub-districts shall also be consistent with all other applicable requirements of the Community Development Code.

| <b>Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts</b>       |  |  |   |
|--|--|--|---|
| <b>Use Categories</b>  | <b>LDR-PV</b>  | <b>MDR-PV</b>  | <b>HDR-PV</b>   |
| <b>Residential Density: Minimum – Maximum</b><br>(dwelling units per net acre) Section 4.1476(D) | Average 5.3-7.9 units per net acre in approved master plan | Average 12-20 units per net acre in approved master plan | Average 20-30 units per net acre/<br>Town Center 30-40 units per net acre in approved master plan |
| <b>Minimum Lot Size (square feet) <sup>2</sup></b>   |  |  |   |
| Single-family Detached dwelling unit/<br>manufactured home                                       | 5,000 sf   | 3,000 sf   | Not applicable  |
| Single-family attached dwellings (2 units) <sup>4</sup>  | 3,500 sf   | 1,600 sf   | None  |
| Single-family attached dwellings (3 or more units) <sup>4</sup>                                  | Not applicable   | 1,600 sf   | None  |
| Live-Work attached dwellings <sup>4</sup>  | Not applicable   | 1,600 sf   | None  |
| Two-unit attached dwellings (duplex) <sup>1</sup>  | 6,000 sf   | 3,500 sf   | None  |
| Attached dwellings (3 or more units)   | Not applicable   | 10,000 sf  | None  |



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

| Use Categories   | LDR-PV         | MDR-PV     | HDR-PV         |
|--|----------------|------------|----------------|
| <b>Minimum Lot Dimensions<sup>2</sup></b>  |                |            |                |
| <u>Detached dwelling unit/manufactured home</u>  |                |            |                |
| (1) Width at building line   |                |            |                |
| (a) Interior Lots  | (1a) 35 ft     | (1a) 20 ft | Not applicable |
| (b) Corner Lots  | (1b) 40 ft     | (1b) 25 ft | Not applicable |
| (2) Depth  |                |            |                |
| (a) Interior Lots  | (2a) 70 ft     | None       | Not applicable |
| (b) Corner Lots  | (2b) 70 ft     | None       | Not applicable |
| <u>Single-family attached dwellings (2 units)<sup>7</sup></u>  |                |            |                |
| 1) Width at building line  | (1a) 16 ft     | (1a) 16 ft | None           |
| (a) Interior Lots  | (1b) 25 ft     | (1b) 25 ft | None           |
| (b) Corner Lots  |                |            |                |
| (2) Depth  |                |            |                |
| (a) Interior Lots  | (2a) 70 ft     | (1a) 16 ft | None           |
| (b) Corner Lots  | (2b) 70 ft     | (1b) 25 ft | None           |
| <u>Single-family attached dwellings (3 or more units) and Live-Work attached dwellings<sup>7</sup></u> |                |            |                |
| (1) Width at building line   |                |            |                |
| (a) Interior Lots  | Not applicable | (1a) 16 ft | None           |
| (b) Corner Lots  |                | (1b) 25 ft | None           |
| (2) Depth  | Not applicable |            |                |
| (a) Interior Lots  |                | None       | None           |
| (b) Corner Lots  |                | None       | None           |
| <u>Two-unit attached dwellings (duplex)<sup>1</sup></u>  |                |            |                |
| (1) Width at building line   |                |            |                |
| (a) Interior Lots  | (1a) 35 ft     | (1a) 16 ft | None           |
| (b) Corner Lots  | (1b) 40 ft     | (1b) 25 ft | None           |
| (2) Depth  |                |            |                |
| (a) Interior Lots  | (2a) 70 ft     | None       | None           |
| (b) Corner Lots  | (2b) 70 ft     | None       | None           |
| <u>Attached dwellings (3 or more units)</u>  |                |            |                |
| (1) Width at building line   | Not applicable |            |                |
| (a) Interior Lots  |                | None       | None           |
| (b) Corner Lots  |                | None       | None           |
| (2) Depth  |                |            |                |
| (a) Interior Lots  |                | None       | None           |
| (b) Corner Lots  |                | None       | None           |
| <b>Minimum Lot Width / Depth Ratio</b>   |                |            |                |
| Detached dwelling unit/manufactured home   | None           | None       | None           |
| All Other Uses   | None           | .5:1       | .5:1           |

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

| Use Categories   |   | LDR-PV                            | MDR-PV                            | HDR-PV   |
|--|---|-----------------------------------|-----------------------------------|--|
| <b>Minimum Street Frontage<sup>3,6</sup></b>   |   |                                   |                                   |  |
| Detached dwelling unit/manufactured home   |   |                                   |                                   |  |
| (a) Interior Lots  |   | 35 ft                             | 35 ft                             | Not applicable   |
| (b) Corner Lots  |   | 40 ft                             | 40 ft                             | Not applicable   |
| Single-family attached dwellings (all types) and Live-Work attached dwellings <sup>4,5</sup> |   |                                   |                                   |  |
| (a) Interior Lots  |   | 16 ft <sup>7</sup>                | 16 ft                             | 16 ft  |
| (b) Corner Lots  |   | 32 ft <sup>8</sup>                | 32 ft                             | 32 ft  |
| Two-unit attached dwellings (duplex) <sup>1</sup>  |   |                                   |                                   |  |
| (a) Interior Lots  |   | 16 ft                             | 16 ft                             | 16 ft  |
| (b) Corner Lots  |   | 32 ft                             | 32 ft                             | 32 ft  |
| Attached dwellings (3 or more units)   |   |                                   |                                   |  |
| (a) Interior Lots  |   | Not Applicable                    | None                              | None   |
| (b) Corner Lots  |   | Not Applicable                    | None                              | None   |
| <b>Building Height</b>   | Building Height Maximum   | 35 ft                             | 35 ft                             | 45 ft, except for elderly housing and transition required adjacent to LDR-PV |
|  | Building Height transition required adjacent to LDR-PV (Section 4.1409) | No                                | No                                | Yes  |
| <b>Buffering Required</b>  |   | See Buffer Matrix, Section 9.0100 | See Buffer Matrix, Section 9.0100 | See Buffer Matrix, Section 9.0100  |
| <b>Minimum/Maximum Off-Street Parking Required</b>   |   | As provided in Section 9.0851     | As provided in Section 9.0851     | As provided in Section 9.0851  |
| <b>Site Design Criteria (Section 7.000)</b>  |   | No                                | Yes                               | Yes  |
| <b>Safe Neighborhood Design Performance Standards Apply (Section 4.1411)</b>                 |   | Yes                               | Yes                               | Yes  |
| <b>Transit Design Criteria and Standards Apply (4.1425)</b>                                  |   | No                                | Yes                               | Yes  |

| <b>Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts</b> |               |               |               |
|--|---------------|---------------|---------------|
| <b>Use Categories</b>  | <b>LDR-PV</b> | <b>MDR-PV</b> | <b>HDR-PV</b> |
| <b>Clear Vision Area Required (Section 9.0200)</b>   | Yes           | Yes           | Yes           |

<sup>1</sup> See Section 4.1411 for additional duplex standards.

<sup>2</sup> When a lot abuts a public or private alley equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the average lot size requirement for the abutting lot. It may also be used in calculating the average lot size.

<sup>3</sup> A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.

<sup>4</sup> Single-Family Attached Dwellings (2 units), Single-Family Attached Dwellings (3 units of more), and Live-Work Attached Dwellings (2 or more units) shall be consider distinct and different housing types within the Pleasant Valley District and all sub-districts therein.

<sup>5</sup> See Table 4.1407 for additional standards pertaining to attached units.

<sup>6</sup> Units that front on a public or private open space tract and accessible via an alley or private drive shall be exempt from the minimum street frontage standards.

**Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts**

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

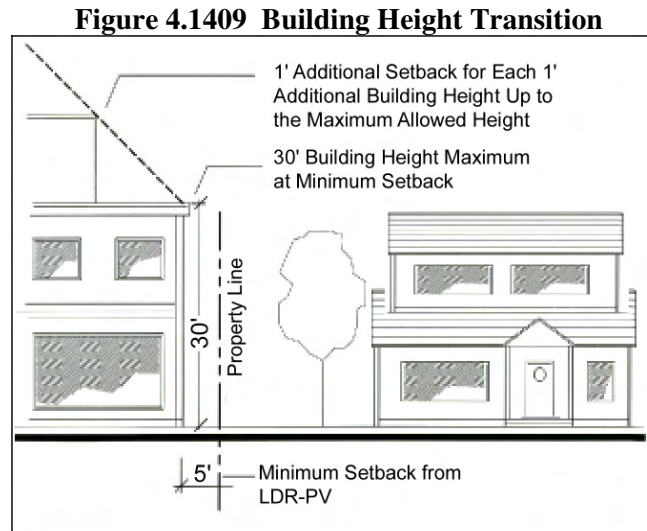
**Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts (continued)**

|  | Front             |             |        | Side               |                      |                  |                   |                    | Rear          |                 |
|--|-------------------|-------------|--------|--------------------|----------------------|------------------|-------------------|--------------------|---------------|-----------------|
|  | Front Façade/Wall | Front Porch | Garage | Interior Side (Not | Zero Lot Line Option | Street Side Wall | Street Side Porch | Street Side Garage | Rear/No Alley | Rear/With Alley |
| <u>Maximum Setbacks</u> <sup>1</sup>           |                   |             |        |                    |                      |                  |                   |                    |               |                 |
| Attached dwellings (3 or more units)           | 20 ft             | 20 ft       | N/A    | N/A                | N/A                  | N/A              | 20 ft             | 20 ft              | N/A           | N/A             |
| <b>HDR-PV</b>                                  |                   |             |        |                    |                      |                  |                   |                    |               |                 |
| <u>Minimum Setbacks</u>                        |                   |             |        |                    |                      |                  |                   |                    |               |                 |
| Detached Dwelling Units/<br>Manufactured homes | N/A               | N/A         | N/A    | N/A                | N/A                  | N/A              | N/A               | N/A                | N/A           | N/A             |
| Single-family attached dwellings               | 5 ft              | 5 ft        | 20 ft  | 5 ft               | N/A                  | 5 ft             | 5 ft              | 20 ft              | 10 ft         | 5 ft            |
| Two-unit attached dwellings (duplex)           | 5 ft              | 5 ft        | 20 ft  | 5 ft               | N/A                  | 5 ft             | 5 ft              | 20 ft              | 10 ft         | 5 ft            |
| Attached dwellings (3 or more units)           | 5 ft              | 5 ft        | 5 ft   | 5 ft               | N/A                  | 5 ft             | 5 ft              | 5 ft               | 15 ft         | 5 ft            |
| <u>Maximum Setbacks</u> <sup>1</sup>           |                   |             |        |                    |                      |                  |                   |                    |               |                 |
| Attached dwellings (3 or more units)           | 20 ft             | 20 ft       | N/A    | N/A                | N/A                  | N/A              | 20 ft             | 20 ft              | N/A           | N/A             |

<sup>1</sup> The maximum front or streetside setback from a building containing dwelling units abutting a Principal, Major or Minor Arterial street is 30 feet. The maximum front or streetside setback may be exceeded when enhanced pedestrian spaces and amenities are provided.

#### 4.1409 Building Height and Height Transition Standard

Where buildings are required to step-down in elevation adjacent to LDR-PV, the building wall shall be setback as illustrated in Figure 4.1409 below:



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

This standard allows duplexes in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes are allowed when the following provisions are met:

- (A) Duplexes shall only be on corner lots.
- (B) Each unit of the duplex must have its address and main entrance oriented towards a separate street frontage.

#### 4.1411 Safe Neighborhood Design Performance Standards

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

- (A) Street Pedestrian Connection Options. At least one of the following shall be provided:
  - (1) Separate Walkway. A separate, minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
  - (2) Combined Walkway. A minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of the garage door.

- (B) Street Pedestrian Connection Options. At least one of the following shall be provided:
  - (1) Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed at or immediately adjacent to the front door; or
  - (2) Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony, or deck is placed on the front of the dwelling; or
  - (3) Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - (4) Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
- (C) Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.
- (D) Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight-obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.

#### **4.1412 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of Article IX – Common Requirements and Appendix 5.000 – Public Facilities Standards.

### **Pleasant Valley Mixed-Use and Employment Sub-districts**

#### **Purpose and Characteristics**

#### **4.1416 Town Center - Pleasant Valley (TC-PV)**

- (A) Purpose. The town center is intended to be the heart of the Pleasant Valley community. It will contain a mix of retail, office, and civic uses, and housing opportunities in a pedestrian oriented area. The town center shall be the focus of retail, civic, and office related uses, and services that serve the daily needs of the local community. It shall be served by a multi-modal transportation system with good access by vehicular, pedestrian, bicycle, and transit traffic.
- (B) Characteristics. The Town Center (TC-PV) Sub-district shall have the following characteristics:
  - (1) The Town Center Sub-district permits a wide range of housing types, including live-work uses, mixed-use buildings, and adjacent townhouses and apartments.
  - (2) Streets and buildings shall be designed to emphasize a lively, pedestrian-oriented character where people feel safe by day and night.
  - (3) A “main street” environment, a minimum three blocks in length, that is visually stimulating, and that is designed to encourage people to linger and explore shall be created along at least one street in the town center. The main street is illustrated on Figure 4.1416. All streets will be pedestrian friendly in design.

- (4) A central green or plaza(s) shall be provided as a community gathering space(s). One potential location for a town green is illustrated on Figure 4.1416. Alternative locations may be suggested as part of a town center master plan. The minimum plaza size shall be 10,000 square feet. There shall be good linkage to the central-park space to the east and to Kelley Creek to the south. Linkage design to Kelley Creek shall include consideration of a park block design.
- (5) The town center shall have strong connections to adjacent neighborhoods and include commercial services that are centralized and convenient to pedestrian-oriented shopping.
- (6) Commercial and mixed-use development shall be focused on the area north of the main street, south of Giese Road, and east of the 172<sup>nd</sup> extension. The area south of the main street shall have a focus on mixed-use and housing.
- (7) The expectation for the town center is a highly pedestrian-oriented place with a dense mix of shopping, service, and civic and mixed-use buildings.
- (8) It is anchored (at least) by a grocery store. Smaller buildings for retail and service uses, civic uses and mixed commercial/residential uses will be oriented on pedestrian main streets(s) and plaza(s).
- (9) It will be an easy and attractive place to walk, bike, and use transit. It will be a convenient and attractive place to drive.

(C) When the Mix of Uses are Determined

The mix of uses for the TC-PV may be established either at the time of master plan approval or during the subsequent design review.

(D) Ranges of Permitted Mixed Use

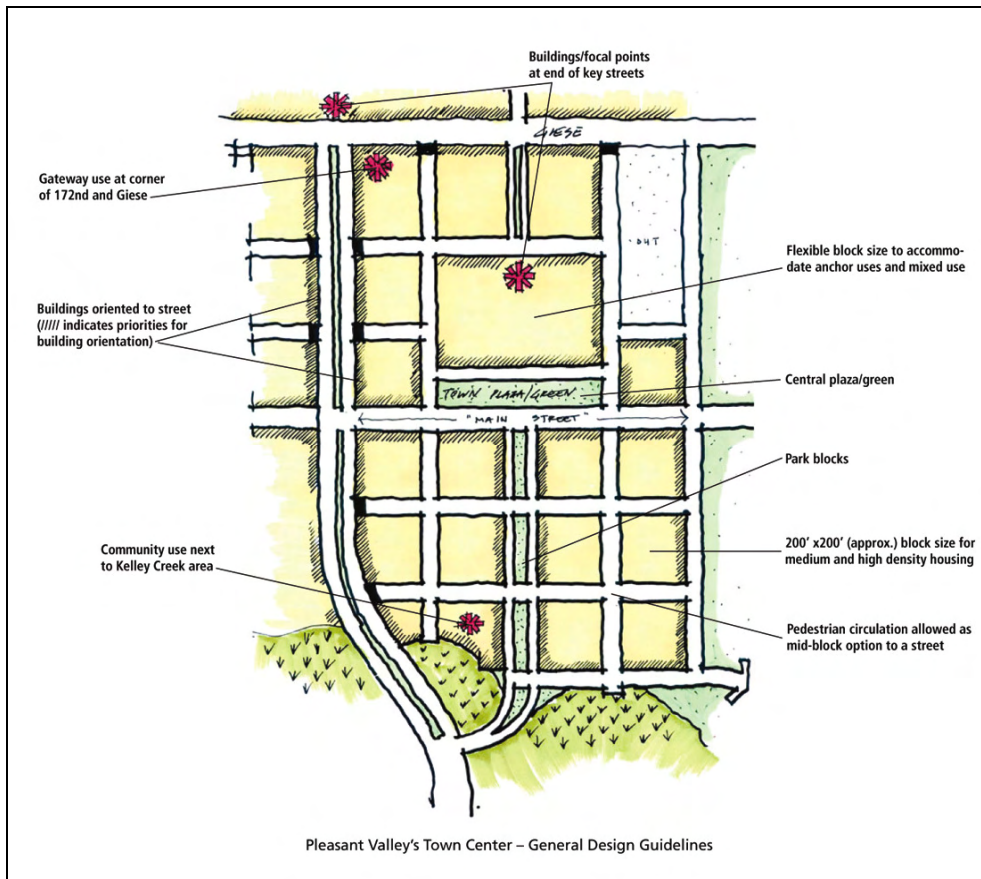
The mix of uses shall fall within the following minimums and maximums. The percentages cited here are percentages of net buildable land. As used here net buildable includes net of unbuildable natural features, green practices facilities, plaza, and public streets.

|                      | Minimum | Maximum |
|----------------------|---------|---------|
| Residential          | 10%     | 50%     |
| Retail               | 20%     | 60%     |
| Office               | 20%     | 60%     |
| Other Permitted Uses | None    | 40%     |

The minimum residential and/or office components of the mix may be satisfied, in whole or in part, by provision of dwellings and/or offices on upper levels of mixed-use buildings. Provision of 40 upper level residential units satisfies the minimum required residential component. Provision of 50,000 square feet of upper level office satisfies the minimum required office component.

Provision of a civic use is encouraged in the town center.





**Figure 4.1416**

#### **4.1417 Mixed-Use Employment – Pleasant Valley (MUE-PV)**

##### **Purpose and Characteristics**

The Mixed-Use Employment (MUE-PV) Sub-district is intended to provide support services for the town center as well as local service needs, plus provide employment opportunities. Primary uses shall include offices and services and retail. Housing shall be allowed within a mixed-use building.

The MUE-PV Sub-district shall have the following characteristics:

- (A) The MUE-PV Sub-district is located next to the town center.
- (B) The MUE-PV Sub-district provides services needed by businesses in the town center. Inversely, the town center will provide service and retail opportunities for employees in the mixed-use employment area. Offices and other uses are not limited to those dependent on the town center.
- (C) Strong pedestrian connections will be established between the MUE-PV areas and the town center. Examples include direct and convenient pedestrian routes, alignment of driveways, streets and blocks, building orientation that frames streets between the MUE-PV and town center, consistent streetscape elements, and other techniques.
- (D) Buildings can be up to three stories high. Housing is permitted on the second and third stories, but not as stand-alone buildings.

#### **4.1418 Neighborhood Center – Pleasant Valley (NC-PV)**

##### **Purpose and Characteristics**

The Neighborhood Center (NC-PV) Sub-district provides for a mix of local retail, service, office, and live-work uses that encourages short walking, biking, and driving trips from adjacent neighborhoods.

The Neighborhood Center Sub-district shall have the following characteristics:

- (A) Neighborhood centers are small (approximately 3-5 acres) and provide uses that serve the adjacent neighborhoods.
- (B) The retail, service and office uses are concentrated (nodal form) and located on or near transit streets with opportunities for good retail corners.
- (C) Site design supports compatibility with the adjacent neighborhood through the orientation of buildings along streets, provision of pedestrian amenities, and design of a pedestrian-friendly streetscape, and other techniques.
- (D) A small plaza/public space is provided for public gatherings.

#### **4.1419 Employment Center – Pleasant Valley (EC-PV)**

##### **Purpose and Characteristics**

The Employment Center (EC-PV) Sub-district is primarily intended to provide business/office park and medical and other employment opportunities. Primary uses shall include knowledge-based industries (graphic communications, creative services, etc.), research and development facilities, office uses, medical facilities, and other business park uses. Emphasis is placed on business suited to a high environmental quality setting.

Characteristics for the Employment Center Sub–district include:

- (A) EC-PV areas shall be located on a major arterial street where there is access to transit.
- (B) EC-PV areas shall be near a neighborhood center or the town center.
- (C) Parcels are intended to range from approximately five to approximately 20 acres.
- (D) EC-PV areas shall have access to high-speed Internet communications systems.
- (E) EC-PV areas adjacent to ESRA areas shall be designed to provide a compatible relationship to the ESRA, high quality environment, and stewardship opportunities.
- (F) Design will create pedestrian-friendly areas and utilize cost effective green development practices.

## Permitted Uses

### 4.1420 Permitted Uses

The types of land use that are permitted in the Pleasant Valley Town Center, Neighborhood Center, and Mixed-use Employment Sub-districts, are listed in Table 4.1420(A) and in the Employment Center Sub-district in Table 4.1420(B). Permitted uses are designated with a “P”,. An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An “NP” means that use is not permitted in the specified Sub-district(s). “NP” is only used if the use category is “P” or “L” in another Sub-district in the table. A use category not listed in this table is “NP.” Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

| <b>Table 4.1420 (A) Commercial and Mixed Use Permitted Uses</b> |                   |                   |                   |
|---|-------------------|-------------------|-------------------|
| <b>Use Categories:</b>  | <b>TC-PV</b>      | <b>NC-PV</b>      | <b>MUE-PV</b>     |
| <b>Commercial Uses</b>  |                   |                   |                   |
| (A) Offices   | P                 | L <sup>1</sup> ,  | L <sup>2</sup>    |
| (B) Clinic  | P                 | L <sup>1</sup>    | L <sup>2</sup>    |
| (C) Retail Trade  | P                 | L <sup>1</sup>    | L <sup>2, 3</sup> |
| (D) Retail Service  | P                 | L <sup>1</sup>    | L <sup>2, 3</sup> |
| (E) Business Services   | P                 | L <sup>1</sup>    | L <sup>2</sup> ,  |
| (F) Auto-Dependent Use  | NP                | L <sup>1</sup>    | L <sup>2</sup>    |
| (G) Outdoor Commercial  | L <sup>3</sup>    | P                 | L <sup>4</sup>    |
| (H) Mini-Storage Facilities                                     | NP                | NP                | P                 |
| <b>Residential Uses:</b>  |                   |                   |                   |
| (A) Attached Dwellings on a Single Lot                          | L <sup>5</sup>    | L <sup>5</sup>    | L <sup>7</sup>    |
| (B) Single Family Attached Dwellings                            | L <sup>5</sup>    | L <sup>5</sup>    | L <sup>7</sup>    |
| (C) Mixed Use Development                                       | P <sup>5, 6</sup> | P <sup>5, 6</sup> | P <sup>6, 7</sup> |
| (D) Live-Work <sup>8</sup>                                      | P                 | P                 | P                 |
| (E) Community Services  | L <sup>9</sup>    | L <sup>9</sup>    | L <sup>9</sup>    |
| (F) Temporary Uses  | P                 | P                 | P                 |
| (G) Home Occupations  | P                 | P                 | P                 |

Table 4.01420(A) Notes:

<sup>1</sup>The maximum building footprint for any building occupied entirely by a commercial use or uses shall be 10,000 square feet.

<sup>2</sup>The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 40,000 square feet.

<sup>3</sup>Limited to mixed-use buildings (retail and non-retail or residential uses). Retail may be no more than 50% of the total floor area of the building.

<sup>4</sup>The maximum site size for an outdoor commercial use is two acres. Certain types of outdoor commercial uses may be prohibited. See Section 4.1434.

<sup>5</sup>Ground floor housing shall conform to the following standards:

- (a) A maximum of 50% of ground floor space in a building may be for residential use, or
- (b) More than 50% of ground floor housing allowed if separated from the street by a commercial or civic building.

<sup>6</sup>For the purposes of Table 4.1420(A), a Mixed-Use Development is the combination on a site of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses. A Mixed-Use Building is the combination within a building of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses.

<sup>7</sup>Residential uses permitted only as part of a mixed-use building and are not permitted on ground floor.

<sup>8</sup>For purposes of Table 4.1420, a live-work unit is a structure that combines a limited office, retail services, and/or business services use with a residential living space. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from an alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

<sup>9</sup> Community Services Type III (D)(E)(F)(J)(V)(W) are not allowed.

| <b>Table 4.1420(B) Employment Center Permitted Uses</b>          |                |
|--|----------------|
| <b>Use Categories:</b>   | <b>EC-PV</b>   |
| Office Manufacturing/Tech-Flex <sup>1</sup>                      | P              |
| Information <sup>2</sup>   | P              |
| Ambulatory Health Care Services <sup>3</sup>                     | P              |
| Professional, Scientific, and Technical Services <sup>4</sup>    | P              |
| Laboratories/Research and Development                            | P              |
| Commercial Services <sup>5</sup> (up to 30% of total floor area) | L <sup>6</sup> |
| Retail Sales (up to 20% of total floor area)                     | L <sup>6</sup> |
| Community Services   | L <sup>7</sup> |
| Temporary Uses   | P              |

**Table 4.1420(B) Notes:**

<sup>1</sup>For purposes of Table 4.1420(B) office manufacturing/tech-flex refers to building types that can include any combination of administrative, research and development, production, assembly, and testing functions.

<sup>2</sup>For purposes of Table 4.1420(B) information are uses engaged in the following processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data as used by the North American Industry Classification System (NAICS) Sector 51, United States, 2002.

<sup>3</sup>For purposes of Table 4.1420(B) Ambulatory Health Care Services are industries that provide health care services directly or indirectly to ambulatory patients and do not usually provide inpatient services. Health practitioners provide outpatient services as used by the North American Industry Classification System (NAICS) Sector 621, United States, 2002. Activities can include emergency treatment, diagnostic services, training, and administration.

<sup>4</sup>For purposes of Table 4.1420(B) Professional, Scientific, and Technical Services comprises establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training. Activities performed includes legal advice and representations; accounting, bookkeeping and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services as used by the North American Industry Classification System (NAICS) Sector 54, United States, 2002.

<sup>5</sup>Commercial services include uses such as building maintenance, restaurants, childcare, banks, and recreational facilities.

<sup>6</sup>Retail uses which include the sale, lease, or rent of new or used products to the general public, or the provision of product repair or services for consumer and business goods, are limited to a maximum of 60,000 square feet of gross leasable area in a single building or a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way. A variance from this size limitation is prohibited. Where this size limitation conflicts with the commercial service and retail total floor area allowances of Table 4.1420(B), the more restrictive size limitation shall govern.

<sup>7</sup>See section 8.0121(C) for the list of Community Services prohibited in the EC-PV sub-district.

## Standards

### 4.1421 Development Standards Table

Table 4.1421 summarizes development standards, which apply within the Pleasant Valley Town Center, Neighborhood Center, Mixed Use Employment, and Employment Sub-districts. The standards contained in this table are supplemented by the referenced subsections, which provide additional clarification and guidance.

| <b>Table 4.1421 Mixed-Use and Employment Sub-districts</b>                 |   |  |  |   |
|--|---|--|--|---|
|  | <b>TC-PV</b>  | <b>NC-PV</b>   | <b>MUE-PV</b>  | <b>EC-PV</b>  |
| <b>(A) Minimum Lot Size</b>  | None  | None   | None   | None  |
| <b>(B) Minimum Average Floor Area Ratio (FAR)</b><br>(Section 4.1422)      | .50:1   | .35:1  | .50:1  | .40:1   |
| <b>(C) Minimum Residential Density</b>                                     | None  | None   | None   | Not Applicable  |
| <b>(D) Maximum Residential Density</b>                                     | None  | None   | None   | Not Applicable  |
| <b>(E) Minimum Building Setbacks</b><br>(Section 4.1423)                   | 0 feet  | 0 feet   | 0 feet   | 15 feet front; 10 feet rear; 0 feet interior side; 15 street side                   |
| <b>(F) Maximum Building Setbacks</b><br>(Section 4.1425)                   | 5 feet front and street side; none for interior side and rear. <sup>1</sup> | 10 feet front and street side; none for interior side and rear. <sup>1</sup> | 10 feet front and street side; none for interior side and rear. <sup>1</sup> | 20 feet on arterial or collector frontage; 0 feet on all other frontages            |
| <b>(G) Minimum Building Height</b> (Section 4.1424)                        | 2 stories <sup>2</sup>  | None   | 2 stories <sup>2</sup>   | 22 feet   |
| <b>(H) Maximum Building Height</b> (Section 4.1424)                        | 45 feet   | 45 feet  | 45 feet  | 45 feet   |
| <b>(I) Minimum Off-Street Parking Required</b>                             | 1 space/unit for residential; all others as provided in Section 9.0851      | As provided in Section 9.0851  | 1 space/unit for residential; all others as provided in Section 9.0851       | As provided in Section 9.0851   |
| <b>(J) Maximum Off-Street Parking Permitted</b>                            | As provided in Section 9.0851   | As provided in Section 9.0851  | As provided in Section 9.0851  | As provided in Section 9.0851   |
| <b>(K) Transit Design Criteria and Standards Apply</b><br>(Section 4.1425) | Yes <sup>3</sup>  | Yes <sup>3</sup>   | Yes <sup>3</sup>   | Yes   |
| <b>(L) Screening &amp; Buffering Required</b><br>(Section 9.0100)          | No, except where abutting LDR-PV  | No, except where abutting LDR-PV   | No, except where abutting LDR-PV   | No, except where abutting LDR-PV <sup>4</sup>                                       |
| <b>(M) Landscaping</b><br>(Section 4.1426)                                 | Yes   | Yes  | Yes  | Yes   |
| <b>(N) Commercial Uses</b><br>(Section 4.1427)                             | Yes   | Yes  | Yes  | Yes   |
| <b>(O) Architectural Design Review Guidelines</b><br>(Section 4.1428)      | Yes   | No   | Yes  | Yes, for the Giese Road site; No for the 172 <sup>nd</sup> Avenue site <sup>5</sup> |

**Table 4.1421 Notes:**

<sup>1</sup>The maximum front or streetside setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.

<sup>2</sup>Any required building must have a habitable floor.

<sup>3</sup>Ground floor window standards for commercial buildings on transit streets (Section 7.0210) do not apply to ground floor residential development.

<sup>4</sup>For the purposes of screening and buffering a use permitted in the EC-PV shall be consider an office use.

<sup>5</sup>The Geise Road EC-PV area is the northern EC-PV area on the north and south sides of Geise Road. The 172<sup>nd</sup> Ave. EC-PV area is the southern EC-PV area on the east side of 172<sup>nd</sup> Avenue.

**4.1422 Minimum Floor Area Ratio**

- (A) Minimum floor area ratios (FAR) are a tool for achieving the intensity of development anticipated in Pleasant Valley. They help ensure that the most intensive forms of building development will occur in those areas appropriate for multi-story commercial and mixed-use buildings. These more intensive levels of development will encourage and enable transit use. They are also a tool for increasing job opportunities.
- (B) The minimum floor area ratios contained in Table 4.1421(A) apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR.

**4.1423 Setbacks**

Required minimum and maximum setback standards are specified in Table 4.1421(A).

- (A) Minimum setback distances shall be determined in conformance with the definition for “Setback” as specified in Section 3.0010.
- (B) Conformance with maximum setback distance is achieved for a commercial or mixed-use building when at least one primary entrance located on the façade facing the street is placed no farther from the property line than the distance specified for Maximum Building Setback in Table 4.1421(A). Maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities in the setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. In addition, on sites with more than one building, the maximum setback may be exceeded, provided conformance is achieved with the maximum setback distance for at least one building.

**4.1424 Building Height**

Minimum and maximum building heights are specified in Table 4.1421(A). Any required building story must contain a habitable floor.

- (A) The minimum building height standard applies, with the following exceptions, to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, or to building with less than 1,000 square feet of floor area.
- (B) In addition to conforming to the Ground Floor Windows requirements of Section 7.0210, for any new commercial or mixed-use building subject to a two-story height minimum, at least 20% of the upper façade area shall be made up of display areas or windows for all facades facing a street.

- (C) The maximum building height for any building containing dwelling units shall be reduced when located adjacent to the LDR-PV district, as provided in Section 7.0201(K).

#### **4.1425 Transit Design Criteria and Standards**

These Sub-districts are pedestrian districts. As such, new development must have a strong orientation to the pedestrian and be transit-supportive, as well enhance the appearance and functioning of these Sub-districts.

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

- (B) Incidental Drive Through Uses.

Drive through uses as defined in Section 3.0010 are not permitted in TC-PV, except when such use is incidental to a primary site use and when the incidental drive through use is limited to one service window, which is part of a primary use structure, and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.

#### **4.1426 Landscaping**

- (A) Section 7.0202(A) regarding site design review landscaping criteria and standards for commercial and mixed-use development is amended as follows:
  - (1) A minimum of 15% of the net acreage site area: MUE-PV, NC-PV.
  - (2) A minimum of 20% of the net acreage site area: EC-PV.
  - (3) Setback areas shall be landscaped or provided with enhanced pedestrian spaces such as benches and drinking fountains: TC-PV, MUE-PV, NC-PV.
  - (4) Any site area not developed for structures paving or enhanced pedestrian spaces shall be improved with landscaping: TC-PV.
- (B) Landscaping for stormwater management shall count towards total percentage of required landscaping.

#### **4.1427 Commercial Uses**

- (A) At least 85% of business activities in connection with commercial uses permitted in Table 4.1420(A) shall be conducted within a completely enclosed structure, except for outdoor commercial uses. No more than 15 percent of the area devoted to buildings may be used for outdoor business activities, product display, or storage. However, in the TC-PV Sub-district, the amount of site area used for outdoor business activity, product display, or storage may be up to 50 percent of the amount of floor area on the site.
- (B) No outdoor business activities, product display, or storage shall be located within yard setback or buffering and screening areas. Areas devoted to on-site outdoor business activities, product display, or storage shall be located so that they do not interfere with pedestrian circulation.

#### **4.1428 Architectural Design Review**

(A) Purpose

The standards contained in this section are intended to ensure good quality design in new building construction within the Plan District. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods contributing to a district that is attractive, stimulating, active, and safe. These qualities in turn contribute to the creation of mixed-use areas, which facilitate easy pedestrian movement and establishment of a rich mixture of uses. A diversity of architectural styles is encouraged in the Town Center Sub-district.

(B) Provisions of this section shall apply to proposals for the following types of building construction within the Plan District:

- (1) New attached dwellings (three or more units);
- (2) New commercial buildings;
- (3) New mixed-use buildings;
- (4) New buildings connected to a community service use;
- (5) Substantial improvement (as defined in Section 3.0010) of any of the building types specified in this subsection.

(C) Provisions of this section shall not apply to new accessory structures with less than 1,000 square feet of floor area, or to alternations of existing accessory structures with less than 1,000 square feet of floor area.

(D) In addition to other application materials required for a development permit, the applicant shall submit exterior building elevation drawings for the proposed construction at a minimum scale of one-eighth inch equals one foot. These plans shall show the size, location, materials, colors, and characteristics of all proposed exterior building features.

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

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

(G) General Guidelines for Architectural Design Review

- (1) Buildings should promote and enhance a comfortable pedestrian scale and orientation. Facades should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes are encouraged to create the appearance of several smaller buildings.
- (2) Upper stories should be articulated with features such as bays and balconies.



- (3) To balance horizontal features on longer facades, vertical building elements, such as stairs to upper stories and building entries, should be emphasized.
- (4) Buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun.
- (5) Special attention should be given to designing a primary building entrance, which is both attractive and functional. Primary entrances should be clearly visible from the street, and incorporate changes in mass, surface, or finish to give emphasis to the entrance. All building entrances and exits should be well lit.
- (6) Certain buildings, because of their size, purpose, or location should be given special attention in the form of ornamental building features, such as towers, cupolas, and pediments. Examples of these special buildings include theaters, hotels, cultural centers, and civic buildings.
- (7) Buildings located at the intersection of two streets should consider the use of a corner entrance to the building.
- (8) Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. However, glass curtain walls, reflective glass, and painted or darkly tinted glass should not be used.
- (9) Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete or stucco.
- (10) Preferred colors for exterior building finishes are earthtones, creams, and pastels of earthtones. High-intensity primary colors, metallic colors, and black should be avoided.
- (11) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be removed or screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
- (12) For buildings designed to house most types of retail, service, or office businesses, traditional storefront elements are encouraged for any façade facing a primary pedestrian street. These elements include:
  - a) Front and side building walls placed within 10 feet of abutting street right-of-way boundaries;
  - b) Clearly delineated upper and lower facades;
  - c) A lower facade containing large display windows and a recessed entry or entries;
  - d) Smaller, regularly spaced windows in upper stories;
  - e) Decorative trim, such as window hoods, surrounding upper floor windows;

- f) A decorative cornice near the top of the facade;
  - g) Piers or pilasters, typically of masonry.
- (13) Individual windows in upper stories should conform with the following guidelines:
- a) Glass area dimensions should not exceed 5 feet by 7 feet (The longest dimension may be taken either horizontally or vertically.)
  - b) Windows should have trim or molding at least two inches wide around their perimeters.
- (14) Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band should be at least 8 inches wide.
- (15) Arbors or trellises supporting living landscape materials should be considered for ornamentation of exterior walls.

#### **4.1429 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of Article IX – Common Requirements and Appendix 5.000 – Public Facilities Standards.

### **Pleasant Valley Environmentally Sensitive/Restoration Areas**

#### **Purpose**

#### **4.1430 Purpose**

This designation provides a framework for protection of Metro Title 3 lands and Statewide Planning Goal 5 resources within the Pleasant Valley Plan District. The ESRA-PV sub-district implements the Pleasant Valley Natural Resource Goals and Policies and is intended to resolve conflicts between development and conservation of streams corridors, wetlands, floodplains, and forests identified in the Pleasant Valley Plan District. The sub-district contributes to the following community objectives:

- (A) Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- (B) Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- (C) Protect upland habitats, and enhance connections between upland and riparian habitats and between Pleasant Valley habitats and the nearby habitats of Powell and Clatsop Buttes and Butler Ridge.
- (D) Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

- (E) Conserve scenic, recreational, and educational values of significant natural resources.

The ESRA-PV has significant ecological functions planned for integration with a new urban community. The long-term goal is to restore and enhance sensitive stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the sub-district.

## **General**

### **4.1431 How the ESRA-PV Works**

The ESRA-PV sub-district establishes buffers to protect significant streams, riparian corridors, wetlands and forests, including their ecological functions, except as noted below. The sub-district provisions apply to the mapped ESRA-PV areas that appear on the Pleasant Valley ESRA Map and to the newly discovered and created ESRA-PV areas as noted below.

Development on lands located outside of the mapped ESRA-PV sub-district is exempt from ESRA-PV standards and review. Additionally, ESRA-PV provisions do not affect existing uses and development, or the normal maintenance of existing structures, farmland, and landscaped areas. Certain new development is allowed under prescribed conditions within the sub-district, such as recreational trails, planned road and utility crossings, stormwater facilities, and construction of residences on highly constrained properties under limited circumstances. Other new development (construction, grading, and native vegetation removal) generally is not allowed within the sub-district.

### **4.1432 ESRA-PV Map Applicability**

- (A) The boundaries of the ESRA-PV sub-district are shown on the Pleasant Valley Plan District ESRA Map including approved amendments provided by the City at the time of application. The boundaries are based on a GIS-supported application of the Pleasant Valley Significance Matrix.
- (B) A wetland identified during the course of a development permit review that meets the State of Oregon’s definition of a “Locally Significant Wetland” shall be subject to the standards of the ESRA-PV sub-district. These wetlands shall be officially added to the City’s Pleasant Valley Plan District ESRA Map by the Manager, under a Type I procedure, after the development permit becomes final.
- (C) The City shall incorporate all ESRA-PV delineations associated with development permit applications and resource information updates on the Pleasant Valley Plan District ESRA Map on an annual basis, or as necessary, through a Type I procedure initiated by the Manager.
- (D) Where development is proposed entirely outside of the ESRA-PV, but within 100 feet of the ESRA-PV boundary, applicants must field verify this boundary through the Map Verification procedures outlined in Section 4.1452.
- (E) Where development is proposed within the ESRA-PV, applicants must field verify the ESRA boundary through the Map Verification procedures outlined in Section 4.1452(A). The developments shall also comply with the standards found in Sections 4.1438-4.1447, and others as applicable.
- (F) Additionally, applicants proposing to partition or subdivide properties containing ESRA-PV must comply with the partition and subdivision standards found in Section 4.1436(F), as well as

the applicable provisions of Article VI Land Divisions and the Map Verification procedure in Section 4.1452.

- (G) Any change to the ESRA-PV boundary, not initiated by the City, that requires an adjustment of the boundary as shown on the Pleasant Valley Plan District ESRA Map shall be processed under the Type II development permit procedure.

#### **4.1433 ESRA-PV Sub-district Permit**

An ESRA-PV sub-district permit is required for those uses regulated under Section 4.1437, Uses Allowed Under Prescribed Conditions. An ESRA-PV permit shall be processed under the Type II development permit procedure, unless it is being processed in conjunction with an action requiring a Type III or Type IV development permit.

#### **4.1434 Emergencies**

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the City of Gresham Native Plant List. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

### **Prohibited, Exempted and Regulated Uses**

#### **4.1435 Prohibited Uses**

The following development and activities are not allowed within the ESRA-PV sub-district:

- (A) Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the ESRA-PV sub-district or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns with the ESRA-PV sub-district that existed prior to the time the sub-district was applied to a subject property are allowed to continue but cannot expand further into the sub-district.
- (B) New lots that would have their buildable areas for new development within the ESRA-PV sub-district are prohibited.
- (C) The dumping of materials of any kind is prohibited within the ESRA-PV sub-district. The outside storage of materials of any kind is prohibited unless they existed before the sub-district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
- (D) Unless part of an approved development activity, grading, the placement of fill or the removal of native vegetation within the ESRA-PV sub-district is prohibited.

#### **4.1436 Uses Allowed Outright (Exempted)**

The following uses are allowed within the ESRA-PV sub-district and do not require the issuance of an ESRA-PV permit:

- (A) City authorized stream, wetland, riparian, and upland restoration or enhancement projects.
- (B) Utility service using a single utility pole or where the disturbed area is outside of the top-of-bank of water bodies and is no more than 100 square feet of ground surface, and where that disturbed area is restored to the pre-construction conditions.
- (C) Boundary and topographic surveys leaving no cut scars greater than three-inches in diameter on live parts of native plants listed in the City of Gresham Native Plant List.
- (D) Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review.
- (E) Trails meeting all of the following:
  - (1) Construction must take place between May 1 and October 30 with hand held equipment;
  - (2) Trail widths must not exceed 48 inches and trail grade must not exceed 20 percent;
  - (3) Trail construction must leave no scars greater than three inches in diameter on live parts of native plants;
  - (4) Trails must not be within 25 feet of a wetland or the top of banks of water bodies;
  - (5) No impervious surface is allowed;
  - (6) No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 3 inch diameter and planted within 10 feet of the trail; and
  - (7) Trail plans and construction within the ESRA-PV must be authorized by the City.
- (F) All land divisions with tentative plans and approved building permit/construction plans showing all of the following and noted on final plat:
  - (1) The boundaries of the ESRA-PV as field verified according to Section 4.1452;
  - (2) The building sites (or buildable areas) of the lots located at least 5 feet from the ESRA-PV boundary. For the purpose of this subparagraph, “building site” means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
  - (3) Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in the ESRA-PV;
  - (4) Streets, driveways and parking areas where all pavement is at least 10 ft. from the ESRA-PV sub-district; and

- (5) The ESRA-PV portions of all lots are protected by a conservation easement; or a lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- (G) Routine repair and maintenance of existing structures, roadways, driveways, utility lines and utilities where the disturbed area is outside of the top-of-bank of a water body and is no more than 100 square feet of ground surface.
- (H) Replacement, additions, alterations and rehabilitation of existing structures, roadways, driveways, utility lines and utilities where the ground level impervious surface area is not increased and where the disturbed area is outside of the top-of-bank of a water body and is no more than 100 square feet of ground surface.
- (I) Measures mandated by the City of Gresham to remove or abate nuisances or hazardous conditions.
- (J) Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the City of Gresham Native Plant List), and removal of refuse and fill, provided that:
  - (1) All work is done using hand-held equipment;
  - (2) No existing native vegetation is disturbed or removed; and
  - (3) All work occurs outside of wetlands and the tops-of-bank of streams.

#### **4.1437 Uses Allowed Under Prescribed Conditions**

The following uses within the ESRA-PV sub-district are subject to the applicable standards listed in Sections 4.1438 through 4.1447, and others as applicable.

- (A) Alteration to existing structures within the ESRA-PV sub-district when not exempted by Section 4.1436.
- (B) Development on a vacant lot that existed before annexation and that has less than 3,500 sq. ft. of buildable area, with minimum dimensions of 40 ft. by 40 ft., remaining outside the ESRA-PV portion of the property.
- (C) A land division that would create a new lot for an existing residence currently within the ESRA-PV.
- (D) Trails/pedestrian paths when not exempted by Section 4.1436.
- (E) New roadways, bridges/creek crossings, utilities, utility lines and stormwater facilities or alterations to such facilities when not exempted by Section 4.1436.

### **Development Standards**

#### **4.1438 General Development Standards**

The following standards apply to all regulated development within the ESRA-PV sub-district with the exception of rights of ways (subject to Section 4.1442), trails (subject to Section 4.1444), utilities, utility

lines and stormwater facilities (subject to Section 4.1441), land divisions (subject to Section 4.1443), and mitigation projects (subject to Section 4.1445 or 4.1446):

- (A) Native trees may be removed within 10 feet of any proposed structures or within 5 feet of new driveways. Trees listed on the Metro Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. Mitigation for tree removal of native and non-native trees is required per Section 4.1445 or 4.1446.
- (B) All vegetation planted in a resource area must be native and listed on the City of Gresham Native Plant List;
- (C) Grading is subject to installing the erosion control measures required by the City of Gresham Erosion Control Technical Guidance Handbook;
- (D) The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero;
- (E) Fences are allowed only within the disturbance area, as described in Section 4.1439(A);
- (F) Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) must be placed so they do not shine directly into resource areas;
- (G) If development will occur within the 100 yr. floodplain, the FEMA floodplain standards must be met; and
- (H) Mitigation is required, subject to Section 4.1445 or 4.1446.

#### **4.1439 New Development Standards**

In addition to the above General Development Standards of Section 4.1438, the following standards apply to new development within the ESRA-PV sub-district, except for trails, rights of ways, utilities, utility lines, stormwater facilities, land divisions and mitigation projects:

- (A) The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the ESRA-PV area from the number listed in the table below.

| <b>Table 1<br/>Maximum Disturbance Area<br/>Allowed</b> |
|---|
| Maximum Disturbance Area =5,000<br>sq. ft.[1]           |

[1] Note: Subtract the amount of area on the site outside the ESRA-PV area from the number given in the above table.

- (B) The disturbance area must be set back at least 50 ft. from the top of bank of any stream, other water body or from the delineated edge of a wetland located within the ESRA-PV area.

#### **4.1440 Existing Development Standards**

In addition to the General Development Standards of Section 4.1438, the following standards apply to alterations of existing development within the ESRA-PV sub-district, except for trails, rights of way, utilities, utility lines, stormwater facilities, land divisions and mitigation projects:

- (A) One of the following must be met:
  - (1) The disturbance area does not exceed the limitations of above Table 1 and the disturbance area is not expanded into or within five feet of the ESRA-PV boundary; or
  - (2) If the existing disturbance area now exceeds the limitations of above Table 1, a permanent disturbance area must be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area must be shown on every subsequent proposal for alterations meeting this standard.
- (B) The proposed development must be set back at least 25 ft. from the top-of-bank of any stream, waterbody or from the delineated edge of any wetland located within the ESRA-PV area.

#### **4.1441 Standards for Utilities, Utility Lines and Stormwater Facilities**

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the ESRA-PV sub-district:

(A) Utilities and Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the ESRA-PV sub-district:

- (1) The disturbance area for private connections to utility lines is no greater than 10 feet wide;
- (2) The disturbance area for the upgrade of existing utility lines is no greater than 15 feet wide;
- (3) New utility lines must be within the right-of-way, unless it is shown that there are no feasible alternatives.
- (4) No fill or excavation is allowed within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;
- (5) The Department of State Lands must approve any work that requires excavation or fill in a wetland;
- (6) Native trees more than 10 inches in diameter may not be removed unless it is shown that there are no feasible alternatives; and
- (7) Mitigation is required, subject to Section 4.1445 or 4.1446. All trees must be planted on the applicant's site. The replacement trees must be selected from the City of Gresham Native Plant List.



(B) Stormwater Facilities, other than those listed in Section 4.1441(A)

The following standards apply to new stormwater facilities and upgrades of existing stormwater facilities within the ESRA-PV sub-district:

- (1) Stormwater facilities may be placed in the ESRA-PV sub-district when shown on the adopted Pleasant Valley Master Plan or when there is no feasible alternative location outside the ESRA-PV;
- (2) No fill or excavation is allowed within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corp of Engineers, and/or the Oregon Department of State Lands;
- (3) The Department of State Lands must approve any work that requires excavation or fill in a wetland;
- (4) Native trees more than 10 inches in diameter may not be removed unless it is shown that there are no feasible alternatives; and
- (5) Mitigation is required, subject to Section 4.1445 or 4.1446. All trees must be planted on the applicant's site. The replacement trees must be selected from the City of Gresham Native Plant List.

**4.1442 Standards for Rights of Ways**

The following standards apply to public rights of way within the ESRA-PV sub-district, including roads, bridges/stream crossings and pedestrian paths with impervious surfaces:

- (A) Where the right-of-way crosses a stream, the crossing must be by bridge or a bottomless culvert;
- (B) No fill or excavation can occur within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;
- (C) The Department of State Lands has approved any work that requires excavation or fill in a wetland;
- (D) Any work that will take place within the banks of a stream must be conducted during the specified in water work window, as determined by Oregon Department of Fish and Wildlife for each specific water body, or must be approved by the Oregon Department of Fish and Wildlife; and
- (E) Mitigation is required, subject to Section 4.1445 or 4.1446.

**4.1443 Standards for Land Divisions**

Other than those land divisions exempted by Section 4.1436 (G), the only type of lot allowed within the ESRA-PV sub-district is a lot that will be created for a residence which existed before the ESRA-PV was

applied to a subject property. A new lot for an existing house can be created when all of the following are met:

- (A) There is an existing house on the site that is entirely within the ESRA-PV area; and
- (B) The existing house will remain; and
- (C) The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a 20 ft. deep rear yard, with the remaining ESRA-PV area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

#### **4.1444 Standards for Trails**

The following standards apply to trails within the ESRA-PV sub-district:

- (A) All trails must be setback at least 50 ft. from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Pleasant Valley Park and Trail Plan; and
- (B) Mitigation is required, subject to Section 4.1445 or 4.1446.

#### **4.1445 Mitigation Standards**

The following standards (or the alternative standards of Section 4.1446) apply to required mitigation:

- (A) Mitigation must occur at a 2:1 ratio of mitigation area to proposed disturbance area, except as noted in Section 4.1445(E) below;
- (B) Mitigation must occur on the site where the disturbance occurs, except as follows:
  - (1) The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
  - (2) The mitigation will occur in the Kelley Creek watershed wherever possible; and
  - (3) An easement that allows access to the mitigation site for monitoring and maintenance is provided as part of the mitigation plan.
- (C) Mitigation must occur within the ESRA-PV area of a site unless it is demonstrated that this is not feasible because there is a lack of available and appropriate area. In which case, the proposed mitigation area must be contiguous to the existing ESRA-PV area so the ESRA-PV boundary can be easily extended in the future to include the new resource site. If mitigation cannot occur within the Kelley Creek watershed, mitigation shall occur within the Johnson Creek watershed, as close to the area of impact as possible;
- (D) Invasive vegetation must be removed within the mitigation area;
- (E) Wetland mitigation shall be conducted per the functional and area replacement standards established by the Army Corps of Engineers and the Oregon Department of State Lands. An alternative planting plan using native plants can be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the Oregon Department of State Lands in conjunction with a wetland fill permit application.

(F) Mitigation requirements for disturbance in the ESRA-PV:

- (1) Required plants and plant densities. All trees, shrubs and ground cover must be native plants selected from the City of Gresham Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the mitigation area is one acre or more, the applicant shall comply with Mitigation Option 2.
- a. Mitigation Option 1. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 4.1445(A). Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

**Table 4.1445 (A) - Tree Replacement**

| <b>Size of tree to be removed<br/>(inches in diameter)</b> | <b>Number of trees and shrubs to be<br/>planted</b> |
|--|---|
| 6 to 12  | 2 trees and 3 shrubs                                |
| 13 to 18   | 3 trees and 6 shrubs                                |
| 19 to 24   | 5 trees and 12 shrubs                               |
| 25 to 30   | 7 trees and 18 shrubs                               |
| over 30  | 10 trees and 30 shrubs                              |

- b. Mitigation Option 2. In this option, the mitigation requirement is calculated based on the size of the mitigation area required. Native trees and shrubs are required to be planted at a rate of 820 trees and 820 shrubs per acre of mitigation required. This amount shall be adjusted proportionally for smaller mitigation areas. For example, 410 trees and 410 shrubs per mitigation acre shall be planted for one-half acre of mitigation area. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
- (2) Plant Size.
- a. For Mitigation Option 1: Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees unless they are Oak or Madrone trees which may be one gallon size. The one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
- b. For Mitigation Option 2: Plantings can range from live cuttings, to bare root stock to container stock in size. Initial plantings should be at least 12 inches in height.
- (3) Plant Spacing. With the exception of the outer edge of a mitigation area, trees and shrubs will not be planted in a linear fashion. Do not plant within the dripline of existing trees.
- a. In Mitigation Option 1, trees shall be planted on average between 8 and 12 feet on-center and shrubs shall be planted on average between 4 and 5 feet on center, or

clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.

- b. In Mitigation Option 2, trees shall be planted at average intervals of 7 feet on-center. Shrubs may be clustered in single species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.
- (4) Plant Diversity. Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.
- (5) Plant Species. In order to meet the City stream shade goals (developed and approved by the Department of Environmental Quality in compliance with the Total Maximum Daily Load rules) for reducing summer stream temperatures, the following species standards need to be followed for any mitigation occurring within 70 feet of a stream. At least 70% of the trees planted in this area need to be comprised of the tallest native tree species appropriate for the site, as indicated by an asterisk in Table 4.1445(B) or as reflected in the Gresham Native Plant Guide.

| <b>Table 4.1445(B)</b>   |                             |                                    |   |
|--|-----------------------------|------------------------------------|---|
| Recommended Tree and Shrub Species for Planting within Riparian Shade Zone |                             |                                    |   |
| <b>Site Conditions</b>   | <b>Typical Soil Series</b>  | <b>Recommended Plant Community</b> |   |
| Floodplain and wetlands  | Moag<br>Rafton              | Trees                              | Black cottonwood*<br>Pacific willow   |
|  |                             | Shrubs                             | Red-osier dogwood<br>Snowberry<br>Willow<br>Wild rose   |
| Floodplain and wetlands  | Delena<br>Wapato<br>Wollent | Trees                              | Black cottonwood*<br>Pacific willow<br>Red alder<br>Oregon ash<br>Western redcedar*                       |
|  |                             | Shrubs                             | Douglas spiraea<br>Pacific ninebark<br>Red-osier dogwood<br>Snowberry<br>Twinberry<br>Wild rose<br>Willow |
| Moist Riparian   | Aloha<br>Cascade<br>Powell  | Trees                              | Bigleaf maple*<br>Black cottonwood*<br>Grand fir*<br>Red alder<br>Western redcedar*                       |
|  |                             | Shrubs                             | Bitter cherry<br>Black hawthorn<br>Hazelnut<br>Indian plum<br>Oregon grape<br>Red elderberry              |

□ **Table 4.1445(B)**

Recommended Tree and Shrub Species for Planting within Riparian Shade Zone

| Site Conditions | Typical Soil Series  | Recommended Plant Community |   |
|-----------------|--|-----------------------------|---|
|                 |  |                             | Salal<br>Salmonberry<br>Snowberry<br>Thimbleberry<br>Vine maple                           |
| Dry Riparian    | Cornelius<br>Dabney<br>Haploxerolls, steep<br>Haplumbrepts, steep<br>Latourell<br>Multnomah<br>Quafeno | Trees                       | Bigleaf maple*<br>Douglas fir*<br>Oregon white oak<br>Western hemlock*                    |
|                 |  | Shrubs                      | Hazelnut<br>Indian plum<br>Oceanspray<br>Oregon grape<br>Salal<br>Snowberry<br>Vine maple |

(6) Location of Mitigation Area. All vegetation must be planted on the applicant’s site within the ESRA-PV or in an area contiguous to the ESRA-PV; provided, however, that if the vegetation is planted outside the ESRA-PV, the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. If mitigation cannot occur within the Kelley Creek watershed, mitigation shall occur within the Johnson Creek watershed, as close to the area of impact as possible.

(G) Monitoring, reporting and replanting. Monitoring of the mitigation site is the responsibility of the property owner. Plants that die must be replaced in kind on an annual cycle by the property owner or designee, as indicated on the mitigation plan. For a period of five years, the property owner/designee must submit an annual report to the City of Gresham as described in Section 4.1450 documenting the survival of the trees and shrubs on the mitigation site. Photos must accompany the annual report that shows the progress of the mitigation.

A financial guarantee, in the form of an instrument approved by the City, shall be submitted before development within the ESRA-PV commences. It shall be in an amount adequate to cover the cost of performing the mitigation. The City will release the guarantee at the end of the five year monitoring period provided the mitigation survival rates of Section 4.1445(G)(1) below have been met, or before, if it determines that the trees and shrubs have been successfully established. If the mitigation survival rates have not been met at the end of the five year monitoring period, the guarantee will be held until such time as the City determines that the trees and shrubs have been successfully established.

(1) Required Tree and Shrub Survival Rates.

- a. For Mitigation Option 1: A minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

- b. For Mitigation Option 2: A minimum of 500 trees and 650 shrubs per mitigation acre required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.
- (H) General Stewardship Practices. To enhance survival of the mitigation plantings, the following practices are required:
  - (1) Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
  - (2) Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
- (I) Mitigation 2 Stewardship Practices. To enhance survival of the mitigation plantings, the following practices are required for Mitigation Option 1. These are recommended for Mitigation Option 2 if annual survival goals are not being met:
  - (1) Mulching. Mulch new plantings three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
  - (2) Irrigation. Water new plantings one inch per week from June 20<sup>th</sup> to September 15<sup>th</sup> for the three years following planting.
- (J) To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:
  - (1) Planting season. Plant bare root trees between December 1<sup>st</sup> and February 28<sup>th</sup>, and potted plants between October 15<sup>th</sup> and April 30<sup>th</sup>.

#### **4.1446 Alternative Mitigation Standards**

In lieu of the above mitigation standards of Section 4.1445, the following standards can be used. However, compliance with these standards must be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report and mitigation plan to be reviewed by its environmental consultant.

- (A) The proposed mitigation must occur at a minimum 2 to 1 ratio of mitigation area to proposed disturbance area;
- (B) The proposed mitigation must result in a significant improvement of at least one function;
- (C) There will be no detrimental impact on resources and functions in area designated to be left undisturbed;
- (D) Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there will be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- (E) Mitigation must occur on the site of the disturbance and in the same subwatershed as much as possible. All mitigation shall occur within the Johnson Creek watershed, as close to the area of

impact as possible. If the proposed mitigation will not occur on the site of the disturbance, then the applicant must possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

#### **4.1447 Adjustment from Standards**

If a regulated ESRA-PV sub-district use listed in Section 4.1437 cannot meet one or more of the applicable ESRA-PV standards then an adjustment may be issued if all of the following criteria are met. However, compliance with these criteria must be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by its environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant must demonstrate:

- (A) There are no feasible alternatives for the proposed use or activity to be located outside the ESRA-PV area or to be located inside the ESRA-PV area and to be designed in a way that will meet all of the applicable ESRA-PV development standards;
- (B) The proposal has fewer adverse impacts on significant resources and resource functions found in the local ESRA-PV area than actions that would meet the applicable environmental development standards;
- (C) The proposed use or activity proposes the minimum intrusion into the ESRA-PV area that is necessary to meet development objectives;
- (D) Fish and wildlife passage will not be impeded; and
- (E) With the exception of the standard(s) subject to the adjustment request, all other applicable ESRA-PV standards can be met.

### **Application Requirements**

#### **4.1448 Development Permit Application Type**

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

- (A) Type I Process
  - (1) The Map Verification process to verify the location of the ESRA-PV sub-district boundary per the approved Pleasant Valley Plan District ESRA Map or approved ESRA-PV sub-district boundary amendments provided by the City shall be processed as a Type I application.
  - (2) City updates to the Pleasant Valley Plan District ESRA Map associated with development permit applications and resource information updates shall be processed as a Type I procedure. This shall not be considered a comprehensive plan map amendment.

(B) Type II Process

- (1) The Map Modification process, unless otherwise noted in Section 4.1432 or directed by the ESRA-PV standards, will be processed as a Type II development permit application.
- (2) Proposed development within the ESRA-PV sub-district shall be processed as a Type II development permit application.

(C) Decision Process

The Manager's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any information generated by prior ESRA boundary determinations that have occurred on adjacent properties, and any other objective factual information that has been provided to the Manager.

#### **4.1449 Required Site Plans**

Site plans showing the following required items must be part of the application:

(A) For the entire subject property (ESRA-PV and non-ESRA-PV areas):

- (1) The ESRA-PV sub-district boundary. This may be scaled in relation to property lines from the Pleasant Valley Plan District Plan Map. If the ESRA-PV sub-district boundary is proposed to be modified, then the existing and proposed ESRA-PV boundary shall appear on the plan;
- (2) 100 year floodplain and floodway boundary (if determined by FEMA);
- (3) Creeks, streams and other waterbodies;
- (4) Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
- (5) Topography shown by contour lines of 2 or 1 ft. intervals for slopes less than 15% and by 10 ft. intervals for slopes 15% or greater;
- (6) Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.; and
- (7) The existing and proposed ESRA-PV area acreage.

(B) Within the ESRA-PV area of the subject property:

- (1) The distribution outline of shrubs and ground covers, with a list of the most abundant species;



- (2) The individual location of trees 6 inches or greater in diameter, identified by species and size. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
  - (3) An outline of the disturbance area or ESRA-PV area being challenged that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to location, number, trunk diameters and species;
  - (4) If grading will occur within the ESRA-PV, a grading plan showing the proposed alteration of the ground at 2 ft. vertical contours in areas of slopes less than 15% and at 5 ft. vertical contours of slopes 15% or greater.
- (C) A construction management plan including:
- (1) Location of site access and egress that construction equipment will use;
  - (2) Equipment and material staging and stockpile areas;
  - (3) Erosion control measures that conform to City of Gresham erosion control standards;
  - (4) Measures, such as the installation of tree protection fencing, to protect trees and other vegetation located outside the disturbance area.
- (D) A mitigation plan demonstrating compliance with Section 4.1455 or 4.1456, including:
- (1) Dams, weirs or other in-water features;
  - (2) Distribution outline, species composition, and percent cover of ground covers to be planted or seeded, including a plant list with quantities, botanical name, common name and size of proposed groundcover plantings;
  - (3) Distribution outline, species composition, size, and spacing of shrubs to be planted, including a plant list with quantities, botanical name, common name, size and root type of proposed shrub plantings;
  - (4) Location, species and size of each tree to be planted, including a plant list with quantities, botanical name, common name, size and root type of proposed tree plantings;
  - (5) Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
  - (6) Water bodies or wetlands to be created, including depth;
  - (7) Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

#### **4.1450 Mitigation Plan Report**

A mitigation plan report that accompanies the above mitigation site plan is also required. It needs to discuss:

- (A) The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- (B) Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Division of State Lands and the U.S. Army Corps of Engineers;
- (C) Construction timetables;
- (D) Operations and maintenance practices to ensure the continued functioning of the mitigation area; and
- (E) Annual monitoring and evaluation procedures and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.

### Miscellaneous

#### **4.1451 Density Transfer**

The Pleasant Valley Plan District allocates urban densities to the non-ESRA-PV portions of properties located partially within the ESRA-PV sub-district, generally resulting in a substantial increase in net development potential. For lots of record that are located within the ESRA-PV sub-district, additional density transfer credits are allowed, subject to the following provisions:

- (A) Density may be transferred from the ESRA-PV sub-district to non-ESRA-PV portions of the same property or of contiguous properties within the same development site; or
  - (1) Where site constraints prevent the use of awarded credits, unused credits may be transferred to other non-ESRA-PV properties.
- (B) The residential transfer credit shall be 1 unit per acre of land within the ESRA-PV Sub-district. (Conventional rounding applies, e.g., A property with >.5 acre to 1 acre shall receive a density credit of 1 unit. A property with 1.5 or more acres of land in the ESRA-PV but less than 2.5 acres is eligible for 2 transfer credits).
- (C) For transfers to the Employment sub-district, the transfer credit is 10,000 sq. ft. (FAR) per acre of land within the ESRA-PV sub-district;
- (D) The maximum gross density for the non-ESRA-PV area of the site shall not exceed 150% of the maximum density or FAR allowed by the underlying sub-district;
- (E) The owner of the transferring property shall execute a covenant with the City that records the transfer of units. The covenant must be found to meet the requirements of this section and be recorded before building permits are issued; and
- (F) All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs however, the minimum lot size may be reduced by 20% for only those units transferred outside of the ESRA-PV district. Such transfers and reductions shall be exempted from a PD process.

#### 4.1452 Map Verification and Modification of ESRA-PV Boundary

The ESRA-PV sub-district boundary may have to be adjusted occasionally to reflect the true location of a resource and its feature values on a site as a result of a site specific environmental survey. Also, in those cases where mitigation occurs outside the current ESRA-PV and/or part of a site within the ESRA-PV has been developed, the ESRA-PV boundary must be adjusted to recognize the relocation of the resource.

(A) ESRA-PV Map Verification.

- (1) Exempt Development. Development, (including all impervious surfaces and landscaping), that is outside of any ESRA-PV and no closer than 100 feet to the border of an ESRA-PV based on the City's Pleasant Valley Plan District ESRA Map, may proceed without having to comply with this section.
- (2) The ESRA-PV Boundary shall be field verified, field staked and located to scale on all submittal documents.
- (3) The Map Verification process is the process of verifying the location of the ESRA-PV boundary in the field relative to the location of the ESRA-PV boundary on the Pleasant Valley Plan District Map. The Map Verification process shall not be used to dispute whether identified ESRA-PV sub-districts provide the features or the ecological functions that they are assumed to provide.
- (4) The map verification requirements described in this section shall be met at the time an applicant requests a development permit, building permit, grading permit, tree removal permit, land division approval, or some other land use decision. A property owner, or another person with the property owner's consent, may request to verify the location of the ESRA-PV on a real property lot or parcel pursuant to this section at other times. If a person receives verification of the ESRA-PV boundary separate from a concurrent request for a development permit, building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.
- (5) Notwithstanding any other provisions of this section for utility projects undertaken by public utilities, the utility shall not be required to map or provide information about the property except for the proposed area of construction impact within the ESRA-PV or within 100 feet of the ESRA-PV boundary.

(B) ESRA-PV Map Modification.

The Map Modification process shall be used to modify the location of the ESRA-PV Boundary in the following circumstances:

- (1) Obvious Misalignment between Property Lot Lines and Mapped ESRA-PV.  
In some cases, the mapped ESRA-PV layer in the GIS database might not align precisely with the tax lot layer that shows property lines, resulting in an ESRA-PV map that is also misaligned with tax lot lines. An applicant who believes that the ESRA-PV map is inaccurate based on such an obvious misalignment may comply with this subsection. The applicant shall submit the following information regarding the real property lot or parcel:
  - (a) A detailed property description; and

- (b) A scaled property map indicating the City adopted ESRA-PV, any approved ESRA-PV map amendments provided by the City at the time of application and any proposed development improvements; and
  - (c) The most recent summer aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742); and
  - (d) The information required to be submitted under Section 4.1449 of this ordinance if the applicant proposes development within any ESRA-PV under those provisions; and
  - (e) A documented demonstration of the misalignment between the ESRA-PV map and the property's tax lot boundary lines. For example, an applicant could compare the boundary lot lines shown for roads within 500 feet of a property with the location of such roads as viewed on the aerial photograph of the area surrounding a property to provide evidence of the scale and amount of incongruity between the ESRA-PV maps and the property lot lines, and the amount of adjustment that would be appropriate to accurately depict the ESRA-PV location on the property.
  - (f) Any other factual information that the Manager requests or the applicant wishes to provide to support map verification.
- (2) Mapping Error in the Presence, Location, Size or Extent of the Natural Resource Feature. Mapping errors of this nature are limited to natural resource features that include only the following: vegetation, both woody and non-woody; tree groves; water bodies, such as streams, creeks and wetlands; and floodplain. In some cases, the mapped natural resource feature such as a stream or creek in the GIS database might not align precisely with the verified field location of that resource. An applicant who believes that the ESRA-PV map is inaccurate based on such an obvious misalignment may comply with this subsection. The applicant shall submit the following information regarding the real property lot or parcel:
- (a) A detailed property description; and
  - (b) A scaled property map indicating the City adopted ESRA-PV and GIS natural resource feature, any approved ESRA-PV map amendments provided by the City at the time of application and any proposed development improvements; and
  - (c) The most recent summer aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742); and
  - (d) The information required to be submitted under Section 4.1449 of this ordinance if the applicant proposes development within any ESRA-PV under those provisions; and

- (e) A narrative justifying the ESRA-PV map modification prepared by a qualified professional with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry; and
  - (f) A documented scaled property plan demonstrating the misalignment between the adopted ESRA-PV map location and GIS natural resource feature and the proposed ESRA-PV map location and field verified natural resource; and
  - (g) The existing and proposed ESRA-PV Boundary shall be field verified, field staked and located to scale on all submittal documents; and
  - (h) Any other factual information that the Manager requests or the applicant wishes to provide to support map modification.
- (C) The ESRA-PV boundary may be adjusted after the following has been met, as applicable:
- (1) Adding a mitigation area to the ESRA-PV sub-district: An approved mitigation plan has been successful and a new restored or enhanced resource site presently exists outside the ESRA-PV which should be included in the ESRA-PV for future protection.
  - (2) Relocating or modifying the ESRA-PV resource in accordance with Section 4.1452(B).
  - (3) If the modification of ESRA-PV boundary under this section results in land being relocated or removed from ESRA-PV designation then the former ESRA-PV land shall assume the Pleasant Valley Plan District sub-district(s) designation adjacent to the land.

#### **4.1453 Corrections to Violations**

For correcting violations, the violator must submit a remediation plan that meets all of the applicable standards of the ESRA-PV sub-district. If one or more of these standards cannot be met then the applicant's remediation plan must demonstrate that there will be:

- (A) No permanent loss of any type of resource or function;
- (B) A significant improvement of at least one function; and
- (C) There will be minimal loss of resources and functions during the remediation action until it is fully established.

#### **4.1454 Consistency and Relationship to Other Regulations**

- (A) Where the provisions of the ESRA-PV sub-district are less restrictive or conflict with comparable provisions of the Gresham Community Development Code, other City requirements, regional, state or federal law, the provisions that are more restrictive shall govern.
- (B) Development in or near wetlands and streams may require permits from the Oregon Division of State Lands (D.S.L.) and the U.S. Army Corps of Engineers. If a federal permit is required, a water quality certification from the Oregon Department of Environmental Quality may also be required. The Manager shall notify the Division of State Lands and the Army Corps of Engineers when an application for development within the ESRA-PV sub-district is submitted. Because

these agencies may have more restrictive regulations than the City, applicants are encouraged to contact them before they prepare their application.

## **Pleasant Valley Overlay Sub-districts**

### **General**

#### **4.1460 Overlay Sub-districts in General**

Overlay Sub-districts apply land use designations and standards that combine with the underlying zone. Where a conflict exists between the overlay and the underlying zone, the overlay zone applies.

The Elementary and Middle School Overlays, Neighborhood Park Overlay, and Community Park Overlay are intended to indicate the general location of schools and parks, consistent with the Plan Map and Comprehensive Plan.

#### **4.1461 Sub-district Location and Boundaries**

The locations and boundaries of the Overlay Sub-districts are initially established on the Plan Map. Modifications of Sub-district boundaries shall be consistent with Sub-district characteristics and location criteria provided below.

### **Purpose and Characteristics**

#### **4.1462 Elementary School Overlay – Pleasant Valley (ESO-PV) and Middle School Overlay – Pleasant Valley (MSO-PV)**

##### **(A) Purpose and Characteristics**

- (1) The Elementary and Middle School Overlay Sub-districts mark the location of existing schools and the desired location of potential new schools in Pleasant Valley, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. The applicable school district shall be provided notice of any proposed permit or pending land use decision in this overlay sub-district.
- (2) Elementary schools serve grades K through 6 and serve 600 students. Elementary school sites are typically 10 acres or smaller where recreational play fields can be shared by more than one school or between a school and park.
- (3) Middle schools serve grades 7 and 8 and serve between 750 and 1,000 students. Middle school sites are typically 10 acres or smaller where recreational play fields can be shared by more than one school or between a school and park.

##### **(B) Location Criteria**

Schools should be sited as shown on the Plan Map. Where an alternate school location or configuration is proposed, the following criteria apply:

- (1) All schools shall have frontage onto a collector street for school bus service.
- (2) Student walking distance is one mile, and students residing within ¼ mile of the school should be able to walk to school without crossing an arterial street.
- (3) Public schools and public parks should be located next to one another, with the park located adjacent to the school fields whenever practicable. Such parks should be at least 2-3 acres in size, and larger parks are encouraged to allow more opportunity for school and community events.
- (4) Elementary and middle schools should not be located in a Town Center, Neighborhood Center, or Employment Sub-district, but a school location next to such a district is acceptable when it would allow for dual-purpose trips, the possibility of shared parking, and other efficiencies.

#### **4.1463 Neighborhood Park Overlay (NPO-PV)**

##### **(A) Purpose**

The Neighborhood Park Overlay Sub-district marks the desired location of new neighborhood parks in Pleasant Valley, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. All land use reviews where the subject property or area-wide master plan affects the potential site of the park will include a determination of how the park can be incorporated into the land use decision, including potential acquisition or dedication of the park site.

##### **(B) Location Criteria**

In general, Pleasant Valley's neighborhood parks are intended to serve each neighborhood as described in the characteristics cited above. It is recognized that the final location and size of parks will be determined as part of land use reviews, considering site specific conditions, availability of land for dedication or sale, proposed area master plans, and other factors. Locational criteria for Neighborhood Parks are described in the Parks section of the Plan District.

#### **4.1464 Community Park Overlay (CPO-PV)**

##### **(A) Purpose**

The purpose of Pleasant Valley's community park is to provide active and/or passive recreational opportunities for all area residents and accommodate large group activities. Community parks are intended to serve several neighborhoods, rather than the whole city. They provide a variety of accessible recreation opportunities for all age groups, environmental education opportunities, serve recreation needs of families, and provide opportunities for community social activities.

The Community Park Overlay Sub-district marks the desired location of a community park in Pleasant Valley, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. All land use reviews where the subject property or area-wide master plan affects the potential site of the park will include a determination of how the park can be incorporated into the land use decision, including potential acquisition or dedication of the park site, or portions of it.

The purpose of the community park designated east of the town center is to provide a wide variety of recreational opportunities in a central location of the community.

(B) Location Criteria and Characteristics

In general, Pleasant Valley’s community park is intended to provide a wide variety of recreational opportunities in a central location of the community as described in the characteristics cited above. It is recognized that its final location and size will be determined as part of land use reviews, considering site specific conditions, availability of land for dedication or sale, proposed area master plans, and other factors. Locational criteria for the Community Park are described in the Parks section of the Plan District.

**4.1465 Neighborhood Transition Design Area Overlay Sub-district**

(A) Purpose

The neighborhood transition design area provides a transition between the ESRA-PV and adjoining land uses. Careful design and site planning can ensure that schools, residences, businesses, and other uses reduce their impact on the natural resources while enjoying the benefits of adjoining these natural areas.

(B) Characteristics

- (1) The Neighborhood Transition Design area is a 100-foot transition area bordering the ESRA-PV. This area contains, as appropriate, a mix of uses including open space, trails, infrastructure (e.g. stormwater treatment), parkways and boulevards, residences, community centers and ESRA-oriented facilities such as a nature center or interpretative kiosk.
- (2) Residential areas are oriented towards and present a “friendly face” to the ESRA-PV. Such areas may be accessed via an alleyway. The rear yard of a dwelling in the NTDA may not face the ESRA. The City may allow exceptions to this standard due to topography, existing development, street layout, or other reasons that make this requirement impractical.
- (3) Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.

(C) Standards

To the extent practicable development within the NTDA shall be consistent with the characteristics described above and the following standards. These standards are intended to promote careful design and site planning so that uses and development within the NTDA reduce their impact on, and benefit from, the adjacent ESRA areas.

Master plans must consider the following in designs for NTDA:

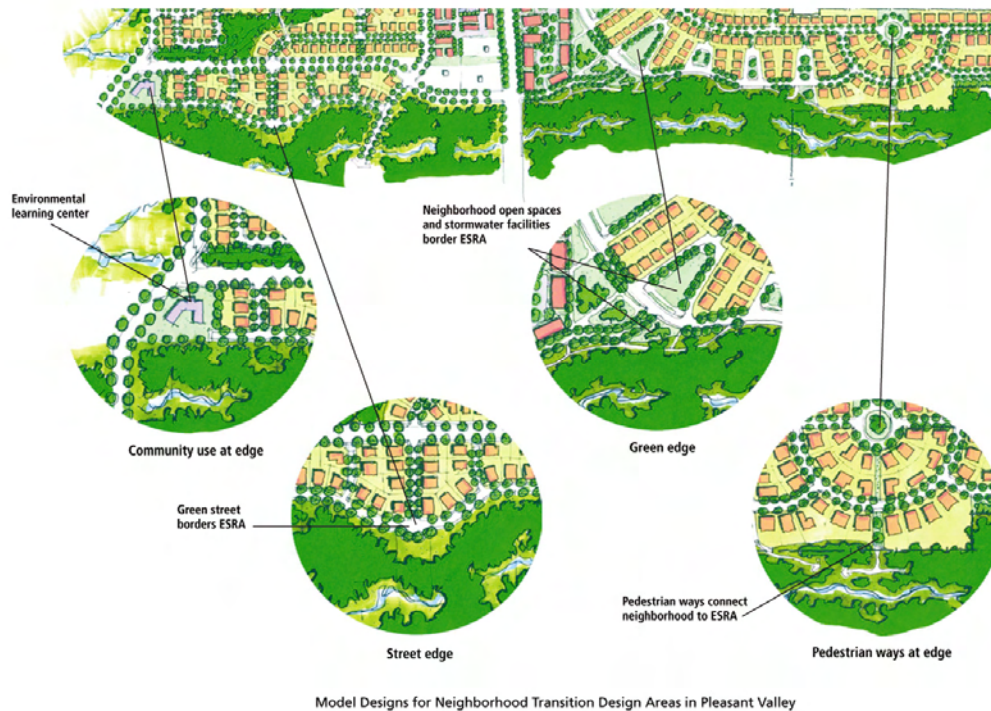
- (1) Location of compatible uses, such as open space, trails, infrastructure (e.g., stormwater treatment), parkways and boulevards, residences, community centers, and ESRA-oriented facilities such as a nature center or interpretative kiosk.
- (2) Residential areas that are oriented towards and present a friendly face to the ESRA. Such areas may be accessed via an alleyway.



- (3) Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.
- (4) When a lot or parcel borders the ESRA a maximum four foot high fence is permitted within 10 feet of the ESRA. This includes vegetative fencing.

The model designs in Figure 4.1465 illustrate four ways to create good transitions between neighborhoods and the ESRAs.

- (A) *Community Uses* – With appropriate access, the neighborhood edge can be an ideal location for community uses such as day care centers, schools, environmental learning centers, and community centers. The new elementary school planned for Pleasant Valley is adjacent to the confluence of Clatsop Creek and Kelley creeks.
- (B) *Street Edge* – The street edge model places a public green street in the transition area. Homes along the street face the green street and the ESRA, making the ESRA a visible and valued part of the neighborhood. On the homes side of the street, there is a typical sidewalk. On the ESRA side of the street, pedestrian access can be provided on a soft surface trail.
- (C) *Pedways* – It will not always be feasible to place a community use, street, or open space along all ESRAs. In cases where the backs of lots are in the transition area, pedestrian ways should be provided. The pedestrian ways should be space similar to the street network, i.e., one pedway about every 400 to 500 feet.



**Figure 4.1465 – Neighborhood Transition Design**

## Additional Pleasant Valley Standards

### **4.1468 Green Development Practices and Green Streets for Stormwater Management**

Green Development Practices and Green Streets treat and manage stormwater runoff as close as possible to its source and mimic natural processes such as retention, infiltration, and evapotranspiration to treat and reduce the overall volume of stormwater runoff that drains into water bodies. Green Development Practices and Green Streets are a toolbox of techniques that mimic and incorporate the predevelopment hydrology of a site into the future development through two processes.

The first is to create a site design that minimizes disturbance to existing soils, tree canopy, and other sensitive natural resource features and minimizes impervious surfaces to reduce the production of surface runoff. The second is to manage runoff through techniques that use natural areas and landscaping to treat, retain, attenuate, and infiltrate stormwater on the development site instead of using only traditional piped collection and conveyance systems and regional management facilities.

Often traditional systems fail to adequately treat and reduce the volume of stormwater runoff before it is discharged into waterbodies. As well, traditional systems fail to infiltrate stormwater and recharge groundwater. This impacts nearby streams by reducing summertime flows and magnifying wintertime flows, often exacerbating flooding, eroding stream channels and aquatic habitat, and contributing to excess siltation. Additionally, untreated pollutants are washed into streams compromising water quality.

#### **Stormwater Management**

##### **(A) Definitions**

- (1) **Green Development Practices.** Green Development Practices are defined as stormwater management techniques that utilize the processes of retention, infiltration, and evapotranspiration to treat runoff and reduce the volume of stormwater. Design standards and requirements for Green Development Practices are included in the City of Gresham's Water Quality Manual.
- (2) **Green Streets.** Green Streets are defined as streets that incorporate Green Development Practices within the right-of-way to treat, retain, and infiltrate stormwater runoff. Green Street section and design standards are included in the City of Gresham's Public Works Standards for each street classification.
- (3) **Regional Management Facilities.** Regional Management Facilities are identified in the most recent version of the Pleasant Valley Stormwater Master Plan and are defined as stormwater management ponds designed to detain stormwater from large, pre-planned areas. Regional Management Facilities provide stormwater detention for large storm events that exceed the capacity of Green Development Practices. They work in conjunction with Green Development Practices and Green Streets to manage stormwater in a comprehensive way to best mimic pre-development hydrology. Design standards and requirements for regional management facilities are included in the City of Gresham's Water Quality Manual.
- (4) **On-Site Stormwater Management.** On-site stormwater management is defined as the management of stormwater as close to the impervious source as possible. For public streets, on-site stormwater management is defined as management within the public right-of-way. For single-family homes and multi-family or commercial buildings, on-site

stormwater management is defined as management within the individual tax lot. For attached single-family development, on-site stormwater management is defined as management within the collective boundary of all of the individual tax lots.

- (B) Purpose and Scope. The regulations of this chapter require the use of Green Development and Green Streets to manage stormwater runoff on-site from all new development. Through the use of Green Development Practices and Green Streets, local and downstream flooding impacts will be minimized and water quality and aquatic habitat will be protected to the maximum extent practicable.
- (C) Stormwater runoff from new development shall be managed on-site with Green Development Practices to the maximum extent practicable. Green Development Practices shall be designed per the requirements set forth in the Gresham Water Quality Manual.
- (D) After management with Green Development Practices and Green Streets facilities, excess stormwater shall be directed to Regional Management Facilities to the maximum extent practicable prior to release to natural waterways. Regional Management Facilities shall be designed per requirements set forth in the Gresham Water Quality Manual.
- (E) Submittal Requirements Prior to Tentative Land Division or Site Design Approval. Prior to tentative land division or site design approval, applicants for new development must submit a stormwater management plan with the development permit application. The stormwater management plan, as required by the Gresham Water Quality Manual, shall provide details for developing in a manner consistent with this section. The stormwater management plan shall include the following:
  - (1) The location and areas of all impervious surfaces within the future public right-of-way. Generalized assumptions for areas of impervious surfaces on future private property.
  - (2) The location of all Green Street facilities for managing stormwater runoff from new impervious surfaces within the future public right-of-way.
  - (3) A table that lists the anticipated Green Development Practices for each lot within the development and overflow point. Overflow points shall either be specified as public storm pipe, weep hole to street gutter, private storm pipe, surface flow, or other.
  - (4) All Green Street facilities shall comply with the sizing and design standards set forth in the Gresham Water Quality Manual and Public Works Standards.
  - (5) Applicants seeking exemptions for on-site stormwater management requirements listed in this section must follow the procedures outlined in the Gresham Water Quality Manual.
- (F) Submittal Requirements Prior to Building Permit Approval. Prior to building permit approval, applicants for development on private property must meet Green Development Practice submittal requirements as specified in the Gresham Water Quality Manual, including the following items at a minimum:
  - (1) The location of all Green Development Practices, shown on the permit drawings.
  - (2) Typical cross-section for each Green Development Practice, shown on the permit drawings.

- (3) Piping used to direct stormwater runoff from impervious surfaces to Green Development Practices, shown on the plumbing permit drawings.
  - (4) Form SIM facility sizing calculations from the Gresham Water Quality Manual.
  - (5) Completed operations and maintenance agreement (Form O&M) from the Gresham Water Quality Manual. Form O&M must be recorded with the County prior to building permit approval.
- (G) Parking lot landscaping may be used as Green Development Practice for parking lots, if designed as provided by the Gresham Water Quality Manual.
- (1) Purpose: This section is enacted with the purpose of achieving multiple functions from parking lot landscaping by using it for on-site stormwater management.
  - (2) Appropriate designs are contained in the Gresham Water Quality chapter for Pleasant Valley.
  - (3) Landscaping for stormwater management within parking lots will count towards total percentage of landscaping required on site.
- (H) After management in Green Development Practices, excess stormwater from private property must be discharged into an approved conveyance facility.
- (I) A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this chapter.
- (J) Operations and maintenance requirements. The property owner, its successors or assigns, including any homeowner association, shall adequately maintain the on-site Green Development Practices according to the recorded operations and maintenance agreement.
- (K) Landscaping
- (1) This section is enacted with the goal of utilizing required landscaping for the purpose of protecting and enhancing water quality and aquatic habitat by providing for the infiltration, storage, and treatment of surface water runoff.
  - (2) Landscaping for stormwater management will count towards total percentage of landscaping required on site.
  - (3) Detailed landscaping requirements for Green Development Practices are included in the Gresham Water Quality Manual.

#### **4.1469 Tree Planting Requirements**

- (A) Purpose and scope

This section is enacted with the goal of enhancing and protecting the existing tree canopy within the community to improve water quality, habitat, and aesthetics, and to minimize urban heat island effects. The tree-planting standard is a requirement for all new development. It encourages the planting and protection of trees, minimizes the impact of tree loss during development, and ensures a sustained tree canopy.

(B) Tree planting requirements

Applicants must submit a tree preservation or planting plan indicating how they will meet the following requirements. All planted trees shall be selected from the City of Gresham Recommended Tree List.

- (1) Single Family Dwellings and Duplexes. The applicant shall meet any one of the three options below. The applicant may choose to meet one or more of these options.
  - a) Tree preservation. At least 2 inches of existing tree diameter per 1,000 square feet of site area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 inches of existing tree diameter must be preserved per lot.
  - b) Tree planting. At least 2 inches of tree diameter per 1,000 square feet of site area must be planted. On lots that are 3,000 square feet or smaller, at least 3 inches of tree diameter must be planted per lot.
  - c) Tree Fund. This option may be used where site characteristics or construction preferences do not support the planting or preservation of trees. Proceeds from the tree fund may be used only in designated open space areas in Pleasant Valley. The applicant must contribute the cost to purchase and plant the required number of trees before a building permit will be issued:
    - For lots with 3,000 square feet or more of area, the cost to purchase and plant at least 2 inches of tree diameter per 1,000 square feet of site area; or
    - For lots with less than 3,000 square feet of area, the cost to purchase and plant at least 3 inches of tree diameter per lot.
- (2) Attached Residential Dwellings. As required in Section 7.0201.
- (3) All Other Development. At least 2 inches of tree diameter per 1,000 square feet of site area must be preserved or planted. This is in addition to any trees used to satisfy street tree or buffering and screening requirements.

## **Pleasant Valley Master Plans**

### **General**

#### **4.1470 Purpose**

Master plans in Pleasant Valley are intended to:

- (A) Guide the design and development of land to create a livable community in Pleasant Valley in accordance with the Comprehensive Plan.
- (B) Ensure that land proposed for annexation is planned with an overall intent to create cohesive and livable neighborhoods, mixed use centers, employment areas, open spaces, and other parts of the Pleasant Valley community, and

- (C) Provide a tool for review and refinement of Sub-district boundaries at the time of annexation of properties.
- (D) Figure 4.1470 illustrates the master plan concept and is intended as a guideline.

**Figure 4.1470**  
**Nursery Neighborhood Illustrative Plan**



#### **4.1471 Applicability**

Master plan approvals are required before or concurrent with any development applications under Section 6.0200 Partitions and Subdivisions and/or Article VII Site Design Review. Subsequent land use approvals must be consistent with the master plan.

#### **4.1472 Master Plans and Refinements of Sub-district Boundaries**

The Plan District Map establishes the general location of Sub-districts to be used in master plans and applied upon annexation. Applicants may propose refinements of the Sub-district boundaries as part of the master plan review process. Refinements of Sub-district boundaries may be approved if they:

- (A) Do not result in increases in density, and;
- (B) Are consistent with the Comprehensive Plan's goals and policies for Pleasant Valley, and
- (C) Are consistent with and provisions of the Plan District and this chapter, or
- (D) Are necessary in light of a physical condition (e.g. topography) that makes the original sub-district designation impractical for the site.

### **Submittal Requirements and Standards**

#### **4.1473 Level of Detail**

- (A) Master plans are intended to display conceptual designs for land use, transportation, natural resource areas, and other physical attributes of the subject property. Similarly, public facility information is intended to be submitted at a conceptual level of detail sufficient to demonstrate compliance with the approval criteria.
- (B) In addition to the submittal requirements of Section 11.0211 (Development Permit Application) 10 copies of a Master Plan site plan shall be submitted along with an 8-1/2 x 11-inch or 11 x 17 inch reduced copy of the Master Plan site plan. The Master Plan site plan must characterize all graphic data to scale.
- (C) If the applicant is in exclusive ownership of only part of the master plan area then the applicant shall provide proof of attempt to contact those other owners by registered mail. The purpose of this provision is to encourage and provide opportunity for those property owners to participate in the master plan effort.

#### **4.1474 Size of Master Plan**

The purpose of this requirement is to provide a tool to meet the purpose statement above. By requiring minimum areas for master plans, the City intends to avoid incremental and uncoordinated development in Pleasant Valley.

Master plans must cover a minimum of 20 acres. The City may allow a master plan of less than 20 acres when the following are met:

- (A) Full compliance with this requirement will preclude the orderly and efficient development of an area within Pleasant Valley, or

- (B) Full compliance with this requirement cannot be achieved due to a unique physical condition, parcel pattern, or other similar constraint, and
- (C) Will not result in substantial development that could preclude compliance with applicable code provisions and comprehensive plan policies.

#### **4.1475 Neighborhood Design Guidelines**

The concept of neighborhoods as the organizing format for residential land use is an essential part of the vision for Pleasant Valley. The development of individual properties is intended to fit together into complete, cohesive neighborhoods. Master plans must demonstrate compliance with the following guidelines, which are intended to be guiding but flexible in application.

- (A) Pleasant Valley shall have walkable neighborhoods with a defined center and edges. The edge of the neighborhood marks the transition from one neighborhood to another. An edge might be a natural area, a transit stop, or a tree-lined arterial street. The neighborhood center should be a main gathering space with priority given to public spaces, such as parks and civic buildings. From the center to the edge should be a comfortable walking distance of one-quarter to one-half mile radius (5 to 10 minute walk).
- (B) Lots with less than 50 feet of frontage shall receive access from a rear alley, parking court, an access that is shared with an adjoining property, or other similar access technique approved by the City.
- (C) Pleasant Valley neighborhoods shall be designed to increase transportation options. Neighborhoods shall be bike and walking friendly, especially so that children can travel safely. Neighborhoods shall be designed with transit in mind. A transit stop(s) should be located within walking distance of a neighborhood.
- (D) Neighborhoods shall be designed to incorporate the existing natural features in a way that enhances the aesthetic environment while minimizing impacts. A compact, mixed-use neighborhood with transit options is one strategy for preserving open space and natural resource areas.
- (E) Parks shall be located next to or near higher density areas. They shall also serve to provide a sense of place for the neighborhood and be accessible via sidewalks, pathways or trails to the whole neighborhood. This enhances the quality of life for nearby residents and will help ensure a higher quality of higher density housing.
- (F) Neighborhoods shall have strong connections to the Kelley Creek and Mitchell Creek open space systems. The design and function of neighborhoods shall facilitate preserving, enhancing, and restoring Pleasant Valley's open space system.

#### **4.1476 Housing Variety**

The purpose of this element is to: (a) assist in meeting the housing mixes intended for Pleasant Valley, as described in the Comprehensive Plan, (b) avoid over-repetition of the same building type/lot size, and (c) promote housing choices.

All master plans shall conceptually map and describe the proposed housing mix to demonstrate that a variety of lot sizes and/or building types have been provided.



- (A) In the LDR-PV Sub-district, this standard is met by providing a housing mix that meets one of the following:
- (1) A variety of lot sizes for detached dwellings where at least 30 percent of the proposed lots are greater than 7500 square feet and the remaining lots are either less than 7500 square feet or are attached dwellings, or
  - (2) At least 15 percent of the dwellings have accessory dwellings, or
  - (3) At least 30 percent of the dwellings shall be alley loaded and at least two of the street level variety techniques as listed in subsection (5) are implemented within the development, or
  - (4) At least 30 percent of the dwellings shall have attached or detached garages that are either flush or behind the rear building line of the dwelling with access to the front and/or rear of the lot, or
  - (5) Street level variety; four of the following:
    - a) 100 percent varied front setbacks at a minimum of 3 feet to adjoining lots;
    - b) 5 or more front elevations with no two the same side by side or opposite;
    - c) A minimum of two types of front exterior surface treatment, e.g. lap siding, stone, brick, stucco, etc.;
    - d) 30 percent with attached covered front porch and railing, 48 square feet or larger;
    - e) 6:12 gable roofs with 2x8 fascia and front elevation shutters;
    - f) At least 2 or more vertical columns are provided on the front façade of the dwelling. Architectural styles may include Corinthian, Doric, Egyptian, Ionic Romanesque, etc.;
    - g) 30 percent attached garage located 5 feet or more behind the front building line;
    - h) Front (street facing) dwelling window treatments that include one or more of the following: bay, bow, box, casement, double-hung, etc.;
    - i) Garage door treatment, e.g. 4 panel windows, carriage door, etc.; or
  - (6) Other techniques found to be consistent with the purpose of this standard.
- (B) In the MDR-PV Sub-district, the housing variety standard is met by providing a housing mix that complies with the requirements listed below.
- (1) For development of 40 dwelling units or less, a mix of housing types must include at least two of the following: Single-family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If two housing types are provided, the lesser number must be at least 30% of the total dwellings. If three or more housing types are provided, two of lesser number of them must comprise at least 30% of the total dwellings;
  - (2) For development of more than 40 dwelling units, a mix of housing types must include at least three of the following: Single-family detached dwellings, attached dwellings, single family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If three or more housing types are provided, two of the lesser number of them must comprise at least 30% of the total dwellings;

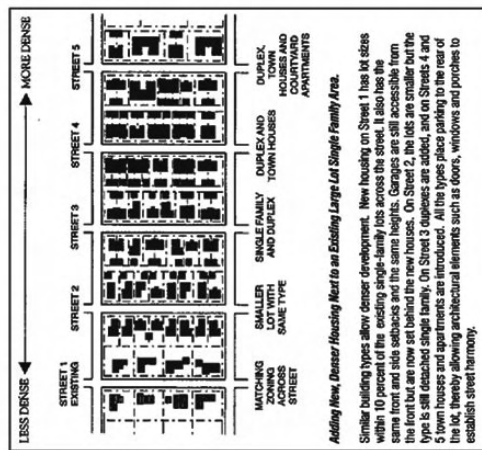
- (3) For developments of more than 40 dwelling units, a mix of building types, within the same housing type, is required. Building types may vary according to number of units per building, orientation of front entries (street versus courtyard), and number of stories. Live-work units count as a separate building type. A minimum of three building types must be provided, with two of lesser number of them comprising at least 30% of the dwellings.
  - (4) Other techniques which are found to be consistent with the purpose of this standard.
- (C) Where the Master Plan is proposed that includes LDR-PV and MDR-PV residential sub-districts in the same project, the Plan may combine the densities of the two sub-districts when the following criteria are met:
- The LDR-PV Housing Variety per Section 4.1476 is met; and  
 The MDR-PV Housing Variety per Section 4.1476 is met; or  
 Other techniques found to be consistent with the purpose of this standard; and  
 The density does not exceed the maximum density allowed by the underlying residential sub-districts.
- (D) Except as provided in subsection (C), each sub-district within a Master Plan shall meet the average minimum and maximum density standards required for the sub-district. However, within any particular area of a Master Plan the actual density may be less than the minimum or more than the maximum sub-district requirements.

**4.1477 Density Transition**

The planned variety of housing types and mix of densities in Pleasant Valley will benefit from carefully planned transitions between the various building types and lot sizes. Transitions of housing types and density shall consider the following guidelines:

- (A) Similar uses, lot sizes, and building sizes should be located opposite each other on the same street.
- (B) For adjoining uses, similar street-side setbacks shall be used.
- (C) Appropriate locations for a change in use, lot size, or building type are:
  - (1) The mid-point of blocks and or along alleys
  - (2) Block ends
  - (3) On lots that face neighborhood parks, private open spaces and/or ESRAs.
- (D) The same attached building type (e.g., apartments) should not extend more than 2 blocks or 900 feet (whichever is less) along the same street.
- (E) Figure 4.1477 illustrates the density transition concept and is intended as a guideline.

Figure 4.1477  
Density Transitions



Source: Smart Development Code Handbook, Oregon Transportation and Growth Management Program, 1997

#### **4.1478 Neighborhood Transition Design Areas**

Master plans shall address the NTDA as provided for in Section 4.1465.

#### **4.1479 Circulation Network**

The master plan shall display a conceptual lay out of streets, alleys, pedestrian routes, bicycle routes, trails and transit facilities, and should reflect the Pleasant Valley Transportation System Plan. While the master plan circulation network is conceptual, it shall show conformance with the following: functional street designations; block length; block perimeter; street intersection spacing; street curvature; and trails.

The conceptual future alignments of streets extending from the master plan shall allow for future circulation and demonstrate how access could be provided for adjacent parcels within 600 feet of boundaries of the master plan. Streets shall be designed to form a system of complete blocks and connected circulation network.

#### **4.1480 Parks, Open Space and Natural Areas**

The master plan shall display proposed locations for parks, open spaces, trails, and natural areas, consistent with those shown on the Plan District Map and the Pleasant Valley Public Facility Plan. The master plan may propose refinements in the location and size of neighborhood and community parks and schools. The master plan may also propose additional open space areas, greenways and trail networks as part of the overall master plan design.

#### **4.1481 Stormwater Management, Green Development Practices and Green Streets**

A stormwater management plan that generally describes the proposed facilities and demonstrates compliance with the most recent version of the Pleasant Valley Stormwater Master Plan shall be submitted. If the Master Plan contains Regional Management Facilities (see definition in Section 4.1468) the plan must demonstrate that adequate space has been allocated for the future facility. Preliminary hydraulic engineering calculations verifying that the Regional Management Facility is sized adequately may be required by the Watershed Management Division where sizing changes may significantly impact circulation or lotting patterns. The sizing of regional management facilities shall assume that Green Streets and Green Development Practices are used throughout the development.

The plan shall call out the use of Green Streets as specified in the COG Public Works Standards, and Green Development Practices as specified in the COG Water Quality Manual and Section 4.1468, throughout the development.

#### **4.1482 Water and Sanitary Sewer System**

General routings and locations of proposed water and sanitary sewer facilities consistent with the Pleasant Valley Public Facility Plan shall be described.

## Master Plan Procedures

### **4.1483 Procedures**

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

Master Plans are reviewed as a Type III procedure.

### **4.1484 Approval Criteria**

In approving a Master Plan, the approving authority shall find compliance with applicable sections of the Community Development Code and the following:

- (A) All applicable Master Plan elements and standards have been addressed and met.
- (B) If a Master Plan includes areas that are not under the exclusive control of the applicant, the Master Plan shall demonstrate compliance with Section 4.1476 for the part under the exclusive control of the applicant as if it were a stand alone property. The areas not under exclusive control of the applicant shall be assumed to be within the average density range of the underlying district and will be required to demonstrate compliance with Section 4.1476 as part of subsequent land division or site design review application.
- (C) See also Section 4.1486 City-Initiated Master Plan.

### **4.1485 Duration and Implementation**

An approved Master Plan remains in effect until development allowed by the plan has been completed or the plan is revised. Subsequent to the approval of the Master Plan, all development permits must be in substantial conformance with the master plan. As used here, substantial conformance means the development permit reasonably implements the conceptual direction of the master plan, recognizing that flexibility is needed to respond to more detailed site information and engineering that is available at the time of the development permit review and approval. Where proposed development permits are not in substantial compliance with the master plan, the applicant shall seek a revision through a separate application or in conjunction with the development application under review. A Master Plan revision is reviewed under the Type III procedure and must comply with Section 4.4184.

### **4.1486 City-Initiated Master Plan**

The City Council may choose to initiate a Master Plan to facilitate neighborhood design. Typically a City-Initiated Master Plan will involve at least 50 acres of land and will generally encompass one or more of the neighborhoods identified in the Comprehensive Plan. A City-Initiated Master Plan is required to meet all Master Plan provisions with the following exception:

- (A) 4.1476 Housing Variety. A City-Initiated Master Plan will show block patterns but need not show detailed compliance with this section. Instead the Master Plan will be accompanied by a lotting/housing study that demonstrates that the block patterns do not preclude consistency with Housing Variety.

- (B) In the case where a property owner or representative provides detailed housing variety plans that show compliance with this standard those plans will be included and designated in the City-Initiated Master Plan. The areas where such detailed housing plans are not provided shall be assumed to be within the average density range of the underlying district and will be required to demonstrate compliance with Section 4.1476 as part of subsequent land division or site design review application.

## **Section 4.1500**

### **Springwater Plan District**

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#### **General Provisions**

- 4.1501 Purpose
- 4.1502 Springwater Plan District Plan Map
- 4.1503 Springwater Sub-Districts in General

#### **Springwater Residential Sub-Districts**

##### Purpose and Characteristics

- 4.1504 Very Low Density Residential - Springwater (VLDR-SW)
- 4.1505 Low Density Residential - Springwater (LDR-SW)
- 4.1506 Townhouse Residential - Springwater (THR-SW)

##### Permitted Uses

- 4.1507 Permitted Uses

##### Standards

- 4.1508 Development Standards Table
- 4.1510 Safe Neighborhood Design Performance Standards
- 4.1511 Public Facilities and Supplementary Requirements
- 4.1512 Small Lot Design Standards

#### **Springwater Mixed-Use, Employment and Industrial Sub-Districts**

##### Purpose and Characteristics

- 4.1516 Village Center - Springwater (VC- SW)
- 4.1517 Research/Technology Industrial – Springwater (RTI-SW)
- 4.1518 Industrial – Springwater (IND – SW)
- 4.1519 Neighborhood Commercial (NC-SW)

##### Permitted Uses

- 4.1520 Permitted Uses

##### Standards

- 4.1521 Development Standards Table
- 4.1523 Setbacks
- 4.1524 Building Height
- 4.1525 Pedestrian Design Criteria and Standards
- 4.1526 Landscaping
- 4.1527 Outdoor Commercial and Industrial Uses
- 4.1528 Architectural Design Review
- 4.1529 Public Facilities and Supplementary Requirements

- 4.1530 Master Plans
- 4.1531 Purpose
- 4.1532 Applicability
- 4.1533 Level of Detail
- 4.1534 Location of Master Plan
- 4.1535 Buffering and Screening

### **Springwater Overlay Sub-districts**

#### General

- 4.1560 Overlay Sub-districts in General
- 4.1561 Sub-districts Location and Boundaries

#### Purpose and Characteristics

- 4.1562 Neighborhood Park Overlay
- 4.1563 Community Park Overlay

### **Additional Springwater Standards**

- 4.1564 Stormwater Green Development Practices
- 4.1565 Tree Planting Requirements
- 4.1566 Xeriscape Landscaping Requirements
- 4.1567 Lighting Requirements
- 4.1568 Green Building Standards

### **Springwater Environmentally Sensitive Resource Area (ESRA) District**

#### Purpose

- 4.1570 Purpose

#### General

- 4.1571 How the ESRA-SW Works
- 4.1572 ESRA-SW Map Applicability
- 4.1573 ESRA-SW Sub-district Permit
- 4.1574 Emergencies

#### Prohibited, Exempted and Regulated Uses

- 4.1575 Prohibited Uses
- 4.1576 Uses Allowed Outright (Exempted)
- 4.1577 Uses Allowed Under Prescribed Conditions

#### Development Standards

- 4.1578 General Development Standards
- 4.1579 Maximum Disturbance Allowance for Constrained Lots of Record
- 4.1580 Existing Development Standards
- 4.1581 Standards for Utilities, Utility Lines and Stormwater Facilities
- 4.1582 Standards for Rights of Way
- 4.1583 Standards for Land Divisions
- 4.1584 Standards for Trails
- 4.1585 Mitigation Standards
- 4.1586 Alternative Mitigation Standards
- 4.1587 Adjustment from Standards



Application Requirements

4.1588 Development Permit Application Type

4.1589 Required Site Plans

4.1590 Mitigation Plan Report

Miscellaneous

4.1591 Density Transfer

4.1592 Map Verification and Modification of ESRA-SW Boundary

4.1593 Corrections to Violations

4.1594 Consistency and Relationship to Other Regulations

## **General Provisions**

### **4.1501 Purpose**

This section of the Community Development Code implements the Springwater Plan District (Plan District). The purposes of the Plan District are to: (1) implement the Comprehensive Plan's goals, policies, and action measures for Springwater; (2) create a vibrant employment center; and, (3) further the central theme of Springwater's vision to integrate land use, transportation, and natural resources. Springwater is intended to be a complete community that includes a variety of houses, business, civic and other uses, neighborhoods, a Village Center, a Research/Technology Industrial area, and an Industrial Area. The inclusion and provision of parks and schools, open spaces and trails, an effective and reliable transportation system, and extensive protection, restoration, and enhancement of the natural resources are all goals of this district.

The Plan District is intended to:

- (A) Implement the overall Plan District purposes stated above,
- (B) Guide the use, development, conservation, and environmental restoration of land within Springwater,
- (C) Establish standards that are intended to guide individual land use decisions and development to result in a cohesive community,
- (D) Create a harmonious and sustainable relationship between urban development and the unique natural landscape of Springwater and the surrounding region, and
- (E) Establish the land use framework from which the logical and efficient provision of public facilities and services may occur.

### **4.1502 Springwater Plan District Plan Map**

The purpose of the Springwater Plan District Plan Map (Plan Map) is to establish land use designations for Springwater. The Plan Map designations are to be used as the basis for amending the Community Development Plan Map. The Community Development Plan Map is amended at time of annexation. Once the Community Development Plan Map is amended it becomes the basis for all land use decisions and development permits.

The Plan Map identifies the general boundaries for Sub-districts and Overlay Sub-districts. Circulation and design elements are also shown to provide context and promote the integration of land use, transportation, and natural resources, and implement the goals, policies, and recommended action measures in the Comprehensive Plan. Amendments to the Community Development Plan must be consistent with the Plan Map and other applicable codes and regulations of the City.

### **4.1503 Springwater Sub-districts In General**

The Plan District Sub-districts listed below apply to land in the Plan District. They are intended to work together to result in a complete community that includes attractive places to live, work, shop, and recreate, together with natural resource areas that are integrated into the urban environment, consistent with the purposes in Section 4.1501 and the Comprehensive Plan.

The Sub-districts in Springwater are:

Full Name (Short Name/Map Symbol)

Very Low Density Residential - Springwater (VLDR - SW)

Low Density Residential - Springwater (LDR - SW)

Townhouse Residential - Springwater (THR - SW)

Village Center - Springwater (VC – SW)

Research/Technology Industrial – Springwater (RTI-SW)

Industrial – Springwater (IND – SW)

Neighborhood Commercial - Springwater (NC - SW)

Environmentally Sensitive Resource Area - Springwater (ESRA-SW)

## **Springwater Residential Sub-districts**

### **Purpose and Characteristics**

#### **4.1504 Very Low-Density Residential –Springwater (VLDR-SW)**

The Very Low Density Residential District is primarily intended for single-family detached dwellings at an average lot size of 12,000 square feet, and at a maximum density of 3.6 units per net acre. There is no minimum density in this zone.

#### **4.1505 Low Density Residential –Springwater (LDR-SW)**

The Low Density Residential District consists of detached and attached dwellings, and at an average density of 5.8 to 7.3 dwelling units per net acre. It is intended to provide for standard lot (6,000-7,500 sq. ft.) housing developments.

#### **4.1506 Townhouse Residential - Springwater (THR-SW)**

The Townhouse Residential District consists of detached and attached dwellings at an average density of 12.0 to 17.4 dwelling units per net acre, designed for separate units on separate lots. In addition to attached single family homes, it is intended to allow for detached single-family homes on small lots, also called patio, cottage or green court homes.

### **Permitted Uses**

#### **4.1507 Permitted Uses**

The types of land use, which are permitted in the Springwater Residential Sub-districts, are listed in Table 4.1507. Permitted uses are designated with a “P”. An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An “NP” means that use is not permitted in the specified Sub-district(s). “NP” is only used if the use category is “P” or “L” in another Sub-district in the table. A use category not listed in this table is “NP.”

| <b>Table 4.1507 Residential Permitted Uses</b> |                |                |                           |
|--|----------------|----------------|---------------------------|
| <b>Use Categories:</b>                         | <b>VLDR-SW</b> | <b>LDR-SW</b>  | <b>THR-SW<sup>7</sup></b> |
| (A) Single-Family Detached Dwelling            | P              | P              | L <sup>1</sup>            |
| (B) Manufactured Homes on Individual Lots      | P              | P              | P                         |
| (C) Single Family Attached Dwellings           | NP             | NP             | P                         |
| (D) Two-unit Attached Dwellings                | NP             | L <sup>2</sup> | NP                        |
| (E) Accessory Dwellings <sup>3</sup>           | P              | P              | P                         |
| (F) Community Services                         | L <sup>4</sup> | L <sup>5</sup> | L <sup>5</sup>            |
| (G) Accessory Structures                       | P              | P              | P                         |
| (H) Home Occupations                           | P              | P              | P                         |
| (I) Temporary Uses                             | P              | P              | P                         |
| (J) Residential Facility                       | P              | P              | P                         |
| (K) Residential Home                           | P              | P              | NP                        |
| (L) Live-Work <sup>5</sup>                     | NP             | NP             | L <sup>6</sup>            |

**Key:**

**P = Permitted**

**L = Limited**

**NP = Not Permitted**

**Table 4.1507 Notes:**

<sup>1</sup> Single-Family Detached Dwellings are permitted under the provisions of Section 4.1512(C).

<sup>2</sup> Duplexes are permitted under the provisions of Section 4.1410.

<sup>3</sup> Pursuant to Section 10.0100.

<sup>4</sup> Community Services Type II (I) and Type III (C)(D)(E)(G)(I)(J)(M)(N)(O)(P)(T)(U)(V) are not allowed.

<sup>5</sup> Community Services Type III (D)(E)(G)(I)(J)(W) are not allowed.

<sup>6</sup> For purposes of Table 4.1507, a live-work unit is a structure that combines a limited office, retail services, and/or business services use with a residential living space. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit. Live-work units are permitted only for buildings fronting on a collector within 300 feet of a VC-SW zone.

<sup>7</sup> Development of the THR-SW designated land in the Brickworks site as described in Volume 1, Appendix 44, Section 4.9.2 and as shown in Volume 1, Appendix 44 in the Springwater Land Use Plan Map shall be developed with a minimum of 50% of total dwelling units being detached single-family dwellings as provided in Table 4.1507(A).

## Standards

### **4.1508 Development Standards Table**

The development standards listed in Table 4.1508 are applicable to all development within the Springwater Residential Sub-districts. Development within these Sub-districts shall also be consistent with all other applicable requirements of the Community Development Code.

| <b>Table 4.1508 - Development Standards in Springwater Residential Sub-districts</b>  |   |  |  |
|---|---|--|--|
| <b>Use Categories:</b>  | <b>VLDR-SW</b>  | <b>LDR-SW</b>  | <b>THR-SW</b>  |
| Residential Density: Minimum – Maximum (dwelling units per net acre)  | Up to 3.6 units per acre. No minimum density in this zone.  | From 5.8 to 7.3 units per acre   | From 12.0 to 17.4 units per acre   |
| Minimum Buildable Lot Size (square feet) Note – ESRA district land does not affect this calculation)  | 10,000  | 5,000  | Attached: 1,800<br>Detached: 3,000   |
| Minimum Lot Dimensions<br><br>(1) Width at building line<br>(a) Interior lot<br>(b) Corner lot<br>(2) Depth<br>(a) Interior lot<br>(b) Corner lot | <b>Single Family detached:</b><br>(1a) 75 feet<br>(1b) 100 feet<br>(2a) 100 feet<br>(2b) 100 feet | <b>Single Family detached:</b><br>(1a) 45 feet<br>(1b) 45 feet<br>(2a) 80 feet<br>(2b) 80 feet | (1a) 20 feet<br>(1b) 25 feet<br>(2a) 65 feet<br>(2b) 65 feet   |
| Minimum Street Frontage   | 50 feet<br>Corner lots:<br>75 feet  | 35 feet<br>Corner lots:<br>40 feet   | 20 feet, but frontage on a common green space (as described in 4.1512 may substitute for frontage on a public street, if that space also fronts on a public street). |
| Alley Access Required for Garage Entrances  | No  | Yes, if lot width is less than 60 feet, or for attached single family structures               | Yes  |
| Building Height Maximum   | 40 feet   | 35 feet  | 45 feet  |
| Buffering Required  | No  | No   | No   |
| Minimum Off-Street Parking Required   | As provided in Section 9.0851   | As provided in Section 9.0851  | As provided in Section 9.0851  |

| <b>Table 4.1508 - Development Standards in Springwater Residential Sub-districts</b> |                               |                                 |                               |
|--|-------------------------------|---------------------------------|-------------------------------|
| <b>Use Categories:</b>   | <b>VLDR-SW</b>                | <b>LDR-SW</b>                   | <b>THR-SW</b>                 |
| Maximum Off-Street Parking Required  | As provided in Section 9.0851 | As provided in Section 9.0851   | As provided in Section 9.0851 |
| Safe Neighborhood Design Performance Standards Apply (Section 4.1512)                | Yes                           | Yes                             | Yes                           |
| Clear Vision Area Required (Section 9.0200)  | Yes                           | Yes                             | Yes                           |
| Small Lot Design Standards Apply (Section 4.1513)                                    | No                            | Yes, for attached single family | Yes                           |
| Master Plan Requirement (Section 4.1530)   | No                            | No                              | Yes                           |

**Table 4.1508(continued) - Minimum Setbacks**

|                                       | FRONT             |             |         | SIDE                                    |   |                  |                   |   | REAR          |                 |
|---------------------------------------|-------------------|-------------|---------|---|---|------------------|-------------------|---|---------------|-----------------|
|                                       | Front Facade/Wall | Front Porch | Garage  | Interior Side (Not Zero or Common Wall) | Zero Lot Line Option                      | Street Side Wall | Street Side Porch | Street Side Garage Access                                     | Rear/No Alley | Rear/With Alley |
| <u>VLDR-SW</u>                        | 20 feet           | 6 feet      | 25 feet | 5 feet                                  | NA  | 20 feet          | 6 feet            | 25 feet   | 20 feet       | 6 feet          |
| <u>LDR-SW</u>                         | 10 feet           | 6 feet      | 20 feet | 5 feet                                  | 6 inches on zero/<br>6 feet on other side | 10 feet          | 6 feet            | 20 feet   | 15 feet       | 6 feet          |
| <u>THR-SW</u>                         | 6 feet            | 1 foot      | NA      | 5 feet                                  | 6 inches on zero/<br>6 feet on other side | 6 feet           | 6 feet            | 10 feet, permitted only on side frontage greater than 70 feet | NA            | 1 foot          |
| <b><u>Single Family Attached:</u></b> |                   |             |         |   |   |                  |                   |   |               |                 |
| <u>LDR-SW</u>                         | 10 feet           | 6 feet      | 20 feet | 5 feet                                  | NA  | 6 feet           | 6 feet            | 20 feet   | NA            | 6 feet          |
| <u>THR-SW</u>                         | 6 feet            | 1 foot      | NA      | 5 feet                                  | 6 inches on zero/<br>6 feet on other side | 6 feet           | 6 feet            | 20 feet   | NA            | 6 inches        |

#### **4.1510 Safe Neighborhood Design Performance Standards**

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street.

- (A) Street Pedestrian Connection Options. At least one of the following shall be provided:
  - (1) Separate Walkway. A separate, minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
  - (2) Combined Walkway. A minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of the garage door.
  
- (B) Street Surveillance Options. At least one of the following shall be provided:
  - (1) Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed at or immediately adjacent to the front door; or
  - (2) Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony, or deck is placed on the front of the dwelling; or
  - (3) Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - (4) Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
  
- (C) Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.
  
- (D) Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight-obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.

#### **4.1511 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of Article IX – Common Requirements and Appendix 5.000 – Public Facilities Standards.

#### **4.1512 Small Lot Design Standards**

- (A) General Design Standards
  - (1) Solid wood and cyclone fencing, and concrete and cinder block walls are prohibited at the property or setback unless planted with landscaping materials which obscure the fence or wall from the street or alley.
  - (2) Front yards shall be visually open to the street. They may contain either a fence not exceeding four feet (4') in height and which is visually open, or may contain a landscaped berm not exceeding two feet (2') in height (but not both), and may contain a hedge or other landscaping material so long as it does not obscure the front yard or entrance to the building or dwelling. For purposes of this provision, where a side yard of a corner lot is adjacent to a street, the side yard is subject to the same standard as a front yard.



(B) Townhouse Design Standards

- (1) Townhouses shall have individual entries distinguished by porches, porticos, or stoops of at least 40 square feet.
- (2) Individual garages shall be provided, and shall be accessed from an alley or, if on a corner lot, from the street other than that which has the primary entrance to the unit.

(C) Garden Court Design Standards

- (1) Garden Court homes front on a common green space that is directly adjacent to a public right-of-way. The green space must be in common ownership or by a homeowners association, and must be a minimum of 60 feet in either dimension, and a minimum of 8,000 square feet of landscaping. Other commonly used structures (such as gazebo or common meeting rooms) may be allowed within the common green space. Such structures may occupy no more than 30% of the overall common green space.
- (2) Single-family detached dwellings shall line the perimeter of the green space, with the exception of the side directly adjacent to the public right-of-way.
- (3) The front entrance of each home shall face the green space or the public right-of-way if directly adjacent.
- (4) Homes shall have individual entries distinguished by porches, porticos, or stoops of at least 40 square feet.
- (5) Individual garages shall be provided, and shall be accessed from an alley or, if on a corner lot, from the street other than that which has the primary entrance to the unit.
- (6) Zero lot setbacks are encouraged. In this case, the home which has the minimum setback shall have window opening to the adjacent lot so that the lowest section of the window is greater than 6 feet above grade, or the glass shall be frosted or otherwise prevent clear viewing. The setback of the building adjacent to the zero setback shall be at least 10 feet.

## **Springwater Mixed-Use, Employment and Industrial Sub-districts**

### **Purpose and Characteristics**

#### **4.1516 Village Center - Springwater (VC-SW)**

- (A) Purpose. The Village Center is intended to be the heart of the Springwater community. It will contain a mix of retail, office, and civic uses, and housing opportunities in a pedestrian oriented area. The Village Center shall serve the daily needs of the local neighborhood and the adjacent employment areas. It shall be served by a multi-modal transportation system with good access by vehicular, pedestrian, bicycle, and transit traffic.
- (B) The need for a Village Center comes from a desire to deliver daily services and amenities to the industrial employees and nearby residents. In addition it will:
- provide for a variety of small-scale retail and upper-floor residential uses in a mixed-use environment
  - not compete with surrounding Town Centers
  - be designed to be an area that is appealing to walk in
  - maximize views of Mt. Hood

#### **4.1517 Research/Technology Industrial – Springwater (RTI-SW)**

##### **Purpose and Characteristics**

The Research/Technology Industrial District (RTI-SW) is primarily intended to provide space for industrial uses, related enterprises serving primarily industrial clients, and research and technology employment in office-type buildings. Primary uses shall include knowledge-based industries (graphic communications, creative services, and information technology), research and development facilities, limited professional service uses primarily serving industrial clients, and other industry focused uses. Emphasis is placed on businesses that are sustainable in nature and utilize green development practices.

#### **4.1518 Industrial – Springwater (IND-SW)**

##### **Purpose and Characteristics**

The Industrial (IND-SW) sub-district is intended to provide industrial land for the city of Gresham and the east metro area. It is intended to be a mix of the following industries:

- Advanced Materials
- Medical Devices
- Specialized Software Applications
- Forestry & Agricultural Biotechnology
- Nanotechnology
- Recreational Equipment/Recreation Technology
- Headquarters
- Professional Services
- Specialty Food Processing
- Transportation Equipment/Technology
- Logistics

The IND-SW sub-district shall have the following characteristics:

- (A) The IND-SW sub-district is designed to provide for a functional industrial district with a high level of landscaping and sustainable design.
- (B) The commercial and industrial uses defined in this section are based on the North American Industry Classification System (NAICS), 2002 Edition. Subsequent revisions to the NAICS will be adopted by the City as they occur.
- (C) Transportation and Warehousing (NAICS two digit codes 48 and 49) are permitted as an ancillary use of the primary use on the site, and may not occupy more than 20% of the site.
- (D) It is intended to develop with a high degree of sustainable design practices, reflecting the water quality and quantity concerns of the area as well as the sensitive streams that cross the district.

#### **4.1519 Neighborhood Commercial - Springwater (NC-SW)**

This sub-district is identical to the City of Gresham's Neighborhood Commercial (NC) District, Section 4.0210, except for site size. The Neighborhood Commercial sub-district is intended to provide for small to medium sized shopping and service facilities and limited office uses adjacent to residential neighborhoods and the industrial employment area. The sub-district is intended to meet the shopping and

service needs of the immediate neighborhood and to have minimal negative impacts on surrounding residential uses.

## Permitted Uses

### 4.1520 Permitted Uses

The types of land use that are permitted in the Springwater Village Center (VC-SW) are listed in Table 4.1520(A), and those permitted in the Research/Technology Industrial (RTI-SW) and Industrial (IND-SW) are listed in Table 4.1520(B). Permitted uses for the NC-SW zone are as listed in the standard Neighborhood Commercial (NC) District, in Section 4.0220 and Table 4.0220. Permitted uses are designated with a “P”. An “L” in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An “NP” means that use is not permitted in the specified sub-district(s). “NP” is only used if the use category is “P” or “L” in another sub-district in the table. A use category not listed in this table is “NP.” Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

**Table 4.1520(A) Permitted Uses in the Village Center**

| Use Categories:           | VC-SW          |
|---------------------------|----------------|
| (A) Offices               | L <sup>1</sup> |
| (B) Clinic                | L <sup>1</sup> |
| (C) Retail Trade          | L <sup>2</sup> |
| (D) Retail Service        | L <sup>2</sup> |
| (E) Business Services     | L <sup>1</sup> |
| (F) Outdoor Commercial    | L <sup>3</sup> |
| (G) Residential Uses      | L <sup>4</sup> |
| (H) Mixed Use Development | P              |
| (I) Community Services    | L <sup>5</sup> |
| (J) Temporary Uses        | P              |

Table 4.1520(A) Notes:

<sup>1</sup>The maximum building footprint for any building occupied entirely by an office or clinic use or uses shall be 10,000 square feet, except as permitted by an approved master plan.

<sup>2</sup>The maximum building ground floor footprint size permitted for any building shall be 35,000 square feet, except as permitted by an approved master plan.

<sup>3</sup>For the purposes of the Springwater Plan District, this is permitted subject to the standards contained in Section 4.1527.

<sup>4</sup>Residential uses permitted only as part of a mixed-use building and are not permitted on ground floor.

<sup>5</sup>Community Services Type III (D)(E)(F)(J)(V)(W) are not allowed.

| <b>Table 4.1520(B): Uses and NAICS Categories</b>                 |                     |                  |
|---|---------------------|------------------|
| <b>Uses and NAICS Categories</b>                                  | <b>RTI-SW</b>       | <b>IND-SW</b>    |
| (A) Construction: Category 23                                     | NP                  | P                |
| (B) Manufacturing: Category 31 through 33                         | NP                  | L <sup>1</sup>   |
| (C) Wholesale Trade: Category 42                                  | NP                  | L <sup>2</sup>   |
| (D) Retail Trade: Category 44 and 45                              | L <sup>3</sup>      | L <sup>4</sup>   |
| (E) Transportation and Warehousing: Category 48 and 49            | L <sup>2</sup>      | L <sup>2</sup>   |
| (F) Information: Category 51                                      | L <sup>5</sup>      | L <sup>5</sup>   |
| (G) Finance and Insurance: Category 52                            | L <sup>3</sup>      | L <sup>4</sup>   |
| (H) Real Estate and Rental and Leasing: Category 53               | L <sup>3</sup>      | L <sup>4</sup>   |
| (I) Professional, Scientific, and Technical Services: Category 54 | L <sup>3</sup>      | L <sup>4</sup>   |
| (J) Management of Companies and Enterprises: Category 55          | P                   | P                |
| (K) Administrative and Support; Waste Management: Category 56     | L <sup>6</sup>      | L <sup>6</sup>   |
| (L) Educational Services: Category 61                             | L <sup>7</sup>      | L <sup>7</sup>   |
| (M) Health Care and Social Assistance: Category 62                | L <sup>3</sup>      | L <sup>8</sup>   |
| (N) Arts, Entertainment, and Recreation: Category 71              | NP                  | NP               |
| (O) Accommodation and Food Services: Category 72                  | L <sup>3,9,10</sup> | L <sup>4,9</sup> |
| (P) Other Services  | P                   | L <sup>11</sup>  |
| (Q) Public Administration: Category 92                            | P                   | P                |
| (R) Community Services  | L <sup>12</sup>     | L <sup>13</sup>  |
| (S) Other Permitted Uses  | NP                  | L <sup>14</sup>  |

**Table 4.1520(B) Notes:**

<sup>1</sup> All uses permitted except: 3116: Animal Slaughtering and Processing; 316110: Leather and Hide Tanning; 3211: Sawmills and Wood Preservation; 322: Paper Manufacturing; 324: Petroleum and Coal Products Manufacturing; 325: Chemical Manufacturing except 3254 Pharmaceutical and Medicine Manufacturing is permitted; 327310: Cement Manufacturing; 327410: Lime Manufacturing; and 331: Primary Metals Manufacturing.

<sup>2</sup> Permitted as an ancillary use to a permitted use, no more than 20% of the building floor area may be devoted to these uses.

<sup>3</sup> Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and profession services that depend of selling goods or services to the general public shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

<sup>4</sup> Buildings for restaurants, stores, branches, agencies or other outlets for these retail uses and professional services that depend on selling goods or services to the general public shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

<sup>5</sup> Except 51213: Motion Picture and Video Exhibition

<sup>6</sup> Limited to subcategories 5611, Office Administrative Services; 5612, Facilities Support Services; 5613, Employment Services; and 5614, Business Support Services. In addition, 5615, Travel Arrangements and Reservation Services and 5619, Other Support Services are permitted if they do not occupy more than 3,000 square feet in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service in a single building or in multiple buildings that are part of the same development project.

<sup>7</sup> Limited to 6114, Business Schools, and 6115, Technical and Trade Schools; Public elementary and secondary schools (611110) are permitted in the RTI-SW sub-district pending City approval of a report that specifically addresses 1) the lack of available non-employment designated land in the vicinity and 2) specifically addresses need and location of multi-modal connections (such as trails and local streets) between the proposed school site and adjacent Springwater residential neighborhoods.

<sup>8</sup> Medical and Dental offices shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project.

<sup>9</sup> The only uses permitted are: Food Services and Drinking Places (722)

<sup>10</sup> Additional permitted uses are Hotels (except Casino Hotels) and Motels (721110)

<sup>11</sup> Limited to subcategories 8112 (electrical/precision equipment repair) and 8113 (commercial/industrial machine repair)

<sup>12</sup> The uses permitted are: Electric Power Distribution (221122), Natural Gas Distribution (221210), and Water, Sewage and Other Systems (2213), Elementary and Secondary Schools (see footnote 7) and Hospitals. Other permitted Community Service Uses of Section 8.0100 are allowed except those Prohibited Uses listed in Section 8.0121(C) with the exceptions noted in this footnote.

<sup>13</sup> The uses permitted are: Electric Power Distribution (221122), Natural Gas Distribution (221210), and Water, Sewage and Other Systems (2213). Other permitted Community Service Uses of Section 8.0100 are allowed except those Prohibited Uses listed in Section 8.0121(C) with the exceptions noted in this footnote.

<sup>14</sup> For those legally existing parcels currently designated in the Multnomah County West of Sandy River Rural Area Plan as Orient Commercial-Industrial (OCI), those uses allowed under Section 36.3525 of the adopted West of Sandy River Plan are adopted as permitted uses in the Springwater Industrial District (IND-SW). For purposes of this Section, only those parcels and allowed uses in effect as part of Section 36.3525, West of Sandy Plan, effective as of the date of the Springwater Plan Adoption would be permitted uses. All other applicable standards of the Springwater Plan would apply. Permitted uses are not required to meet approval criteria of West of Sandy Plan Section 36.3527.

|  |
|--|
| <b>Table 4.1520(C) Permitted Uses in Neighborhood Commercial</b> |
|--|

|   |
|---|
| Note: Permitted uses in the NC-SW District are identical to those in the NC District, Table 4.0220. |
|---|

## Standards

### **4.1521 Development Standards Table**

Table 4.1521 summarizes development standards which apply within the Springwater Village Center, Research/Technology Industrial and Industrial sub-districts. The standards contained in this table are supplemented by the referenced subsections, which provide additional clarification and guidance. The minimum floor area ratios contained in Table 4.1521 apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR. The standards for the NC-SW zone are the same as the Gresham NC District and are contained in Section 4.0230 and Section 4.0231 and in Table 4.0230.

**Table 4.1521 Development Standards in Springwater Village Center, Research/Technology Industrial and Industrial Sub-districts<sup>1</sup>**

|   | <b>VC-SW</b>  | <b>RTI-SW</b>  | <b>IND-SW</b>   |
|---|---|--|---|
| (A) Minimum Lot Size  | None  | None   | None <sup>2</sup>   |
| (B) Minimum Average Floor Area Ratio (FAR)                          | .35:1   | .40:1  | None  |
| (C) Minimum Residential Density                                     | None  | NA   | NA  |
| (D) Maximum Residential Density                                     | None  | NA   | NA  |
| (E) Minimum Building Setbacks                                       | 0 feet  | 0 feet   | 10 feet front and street side; 5 feet for each 20 feet of height for interior side and rear |
| (F) Maximum Building Setbacks                                       | 10 feet front and street side; none for interior side and rear <sup>3</sup> | 20 feet front and street side; none for interior side and rear | None  |
| (G) Minimum Building Height (Section 4.1524)                        | 2 stories <sup>4</sup>  | None   | None  |
| (H) Maximum Building Height (Section 4.1524)                        | 45 feet   | 100 feet   | 120 feet  |
| (I) Minimum Off-Street Parking Required                             | 1 space/unit for residential; all others as provided in Section 9.0851      | As provided in Section 9.0851                                  | As provided in Section 9.0851   |
| (J) Maximum Off-Street Parking                                      | As provided in Section 9.0851   | As provided in Section 9.0851                                  | As provided in Section 9.0851   |
| (K) Pedestrian Design Criteria and Standards Apply (Section 4.1525) | Yes   | Yes  | No  |
| (L) Screening & Buffering <b>Required (Section 4.1535)</b>          | No  | No   | Yes   |
| (M) Landscaping (Section 4.1526)                                    | Yes   | Yes  | Yes   |
| (N) Outdoor Commercial and Industrial Uses (Section 4.1527)         | Yes   | Yes  | Yes   |
| (O) Architectural Design Review Guidelines (Section 4.1528)         | Yes   | Yes  | No  |
| (P) Maximum Block Length  | 300   | 530  | None  |
| (Q) Master Plan Requirement (Section 4.1530)                        | Yes   | No   | No  |

**Table 4.1521 Notes:**

<sup>1</sup>The development standards for NC-SW shall be identical for those in the NC District, Table 4.0230.

<sup>2</sup>Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the City so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

<sup>3</sup>The maximum front or street side setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.

<sup>4</sup>Retail stores of greater than 20,000 square feet are exempted from this requirement, however buildings must be built to a height of 20 feet or contain a parapet wall of at least 20 feet of height.

#### **4.1523 Setbacks**

- (A) Required minimum and maximum setback standards are specified in Table 4.1521.
- (B) Minimum setback distances shall be determined in conformance with the definition for “Setback” as specified in Section 3.0010.
- (C) Conformance with maximum setback distance is achieved for a commercial or mixed-use building when at least one primary entrance located on the façade facing the street is placed no farther from the property line than the distance specified for Maximum Building Setback in Table 4.1521. Maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities in the setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. In addition, on sites with more than one building, the maximum setback may be exceeded, provided conformance is achieved with the maximum setback distance for at least one building.

#### **4.1524 Building Height**

- (A) Minimum and maximum building heights are specified in Table 4.1521. Any required building story must contain a habitable floor.
- (B) The minimum building height standard applies, with the following exceptions, to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, or to buildings with less than 1,000 square feet of floor area.
- (C) In the VC zone, in addition to conforming to the Ground Floor Windows requirements of Section 7.0210 (5), for any new commercial or mixed-use building subject to a two-story height minimum, at least 20% of the upper façade area shall be made up of display areas or windows for all facades facing a street.

#### **4.1525 Pedestrian Design Criteria and Standards**

- (A) The VC District is a pedestrian district. As such, new development must have a strong orientation to the pedestrian and be transit-supportive, as well as enhance the appearance and functioning of this district.
- (B) In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0202 apply to new commercial, mixed-use, and employment development requiring site design approval in these Sub-districts, along with other applicable standards and criteria.
- (C) Incidental Drive Through Uses - Drive through uses as defined in Section 3.0010 are not permitted in VC, except when such use is incidental to a primary site use and when the incidental drive through use is limited to one service window, which is part of a primary use structure, and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.

#### **4.1526 Landscaping**

- (A) Section 7.0202(A) regarding site design review landscaping criteria and standards for permitted development is amended as follows:

- (1) A minimum of 15% of the gross site area: RTI-SW
- (2) A minimum of 10% of the gross site area: IND-SW
- (3) Any site area not developed for structures, paving or enhanced pedestrian spaces shall be improved with landscaping: VC-SW

(B) Landscaping for storm water management shall count towards total percentage of required landscaping.

#### **4.1527 Outdoor Commercial and Industrial Uses**

(A) At least 85% of business activities in connection with permitted uses in the VC-SW or the RTI-SW zone in Tables 4.1520 (A) or (B) shall be conducted within a completely enclosed structure. No more than 15 percent of the area devoted to buildings may be used for outdoor business activities, product display, or storage. Areas devoted to on-site outdoor business activities, product display, or storage shall be located so that they do not interfere with pedestrian circulation.

(B) Outdoor uses are not limited in the IND zone, but all outdoor uses shall be screened from view from public rights-of-way and public trails according to the standards of Section 4.1535.

#### **4.1528 Architectural Design Review**

(A) Purpose

The standards contained in this section are intended to ensure good quality design in new building construction within the Plan District. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods contributing to a district that is attractive, stimulating, active, and safe. These qualities in turn contribute to the creation of mixed-use areas, which facilitate easy pedestrian movement and establishment of a rich mixture of uses. A diversity of architectural styles is encouraged in the Village Center Main Street Sub-district.

(B) Provisions of this section shall apply to proposals for the following types of building construction within the Plan District:

- (1) New attached dwellings (three or more units);
- (2) New commercial buildings;
- (3) New mixed-use buildings;
- (4) New buildings connected to a community service use;
- (5) Substantial improvement (as defined in Section 3.0010) of any of the building types specified in this subsection.

(C) Provisions of this section shall not apply to new accessory structures with less than 1,000 square feet of floor area, or to alterations of existing accessory structures with less than 1,000 square feet of floor area.

(D) In addition to other application materials required for a development permit, the applicant shall submit exterior building elevation drawings for the proposed construction at a minimum scale of



one-eighth inch equals one foot. These plans shall show the size, location, materials, colors, and characteristics of all proposed exterior building features.

- (E) A development permit application for construction subject to architectural design shall be referred to the Design Commission for review. In its review, the Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Commission shall be considered advisory only, and not binding upon the applicant.
- (F) Review of plans by the Design Commission shall take place in accordance with Section 11.0213 for referral and review of development permit applications.
- (G) General Guidelines for Architectural Design Review
  - (1) Buildings should promote and enhance a comfortable pedestrian scale and orientation. Facades should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes are encouraged to create the appearance of several smaller buildings.
  - (2) Upper stories should be articulated with features such as bays and balconies.
  - (3) To balance horizontal features on longer facades, vertical building elements, such as stairs to upper stories and building entries, should be emphasized.
  - (4) Buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun.
  - (5) Special attention should be given to designing a primary building entrance, which is both attractive and functional. Primary entrances should be clearly visible from the street, and incorporate changes in mass, surface, or finish to give emphasis to the entrance. All building entrances and exits should be well lit.
  - (6) Buildings located at the intersection of two streets should consider the use of a corner entrance to the building.
  - (7) Exterior building materials and finishes should convey an impression of permanence and durability, and reflect a northwest architectural style by using locally produced building materials. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays.
  - (8) Where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete or stucco.
  - (9) All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be removed or screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means.
  - (10) For buildings designed to house most types of retail, service, or office businesses, traditional storefront elements are encouraged for any façade facing a primary pedestrian street. These elements include:

- a) Front and side building walls placed within 10 feet of abutting street right-of-way boundaries;
  - b) Clearly delineated upper and lower facades;
  - c) A lower facade containing large display windows and a recessed entry or entries;
  - d) Smaller, regularly spaced windows in upper stories;
  - e) Decorative trim, such as window hoods, surrounding upper floor windows;
  - f) A decorative cornice near the top of the facade;
  - g) Piers or pilasters, typically of masonry.
- (11) Ornamental devices, such as molding, entablature, and friezes are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band should be at least 8 inches wide.
- (12) Arbors or trellises supporting living landscape materials should be considered for ornamentation of exterior walls.

**4.1529 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of Article IX – Common Requirements and Appendix 5.000 – Public Facilities Standards.

**4.1530 Master Plans**

**4.1531 Purpose**

Master plans are intended to:

- (A) Guide the design and development of the Village Center and the adjacent areas.
- (B) Ensure that land proposed for development is planned with an overall intent to create a cohesive and livable neighborhood.

**4.1532 Applicability**

Master Plan approvals are required prior to development. Subsequent land use approvals must be consistent with the master plan.

**4.1533 Level of Detail**

Master Plans are intended to display conceptual designs for:

- (A) Land use: building types and uses, general location of building footprints and any proposed refinements of Section 4.1528 Architectural Design Standards;
- (B) Transportation: block size, local streets, proposed refinements of street cross-sections;

- (C) Natural resource protection;
- (D) Village Center neighborhood park;
- (E) Public facility information: submitted at a conceptual level of detail sufficient to demonstrate compliance with the approval criteria;
- (F) Provisions for a minimum of 180 housing units.

#### **4.1534 Location of Master Plan**

The Master Plan shall cover at a minimum the areas included in the VC-SW sub-district, the THR-SW sub-district adjacent east of the Village Center, and the proposed Village Center neighborhood park.

#### **4.1535 Buffering and Screening**

- (A) The standards of Section 9.0100 - Buffering and Screening - apply.
- (B) Buffering in the IND-SW sub-district is not required when adjacent parcels are outside City limits.
- (C) Buffers and screens shall have on-going maintenance.
- (D) Buffer and screening landscaping shall comply with the landscaping requirements of Section 4.1566 – Xeriscape Landscaping Requirements.

## **Springwater Overlay Sub-districts**

### **General**

#### **4.1560 Overlay Sub-districts in General**

Overlay sub-districts apply land use designations and standards that combine with the underlying zone. Where a conflict exists between the overlay and the underlying zone, the overlay zone applies.

The Neighborhood Park Overlay and Community Park Overlay are intended to indicate the general location of parks, consistent with the Plan Map and Comprehensive Plan.

#### **4.1561 Sub-district Location and Boundaries**

The locations and boundaries of the Overlay Sub-districts are initially established on the Plan Map. Modifications of sub-district boundaries shall be consistent with sub-district characteristics and location criteria provided below.

## Purpose and Characteristics

### **4.1562 Neighborhood Park Overlay**

#### (A) Purpose

The Neighborhood Park Overlay Sub-district marks the desired location of new neighborhood parks in Springwater, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. The base zone for the Village Center neighborhood park is RTI-SW. All land use reviews where the subject property affects the potential site of the park will include a determination of how the park can be incorporated into the land use decision, including potential acquisition or dedication of the park site.

#### (B) Location Criteria

In general, Springwater's neighborhood parks are intended to serve each neighborhood as described in the characteristics cited above. It is recognized that the final location and size of parks will be determined as part of land use reviews, considering site specific conditions, availability of land for dedication or sale, proposed area master plans, and other factors. Locational criteria for Neighborhood Parks are described in the Parks section of the Plan District.

The purpose of the neighborhood park designated east of the Village Center is to provide a wide variety of recreational opportunities in a central location of the community.

### **4.1563 Community Park Overlay**

#### (A) Purpose

The purpose of Springwater's community park is to provide active and/or passive recreational opportunities for all area residents and accommodate large group activities. Community parks are intended to serve several neighborhoods, rather than the whole city. They provide a variety of accessible recreation opportunities for all age groups, environmental education opportunities, serve recreation needs of families, and provide opportunities for community social activities.

The Community Park Overlay Sub-district marks the desired location of a community park in Springwater, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. The base zone for the Springwater Community Park is ESRA-SW and VLDR-SW. The base zone for the East Springwater Park is IND-SW. All land use reviews where the subject property or area-wide master plan affects the potential site of the park will include a determination of how the park can be incorporated into the land use decision, including potential acquisition or dedication of the park site, or portions of it.

#### (B) Location Criteria

In general, Springwater's community park is intended to provide a wide variety of recreational opportunities in a central location of the community as described in the characteristics cited above. It is recognized that its final location and size will be determined as part of land use reviews, considering site specific conditions, availability of land for dedication or sale, proposed area master plans, and other factors. Locational criteria for the Community Park are described in the Parks section of the Plan District.

## **Additional Springwater Standards**

### **4.1564 Stormwater Green Development Practices**

Stormwater green development practices are a toolbox of techniques that mimic and incorporate the predevelopment hydrology of a site into future development through two processes. The first is to create a site design that minimizes disturbance to existing soils, tree canopy, and other sensitive natural resource features and minimizes impervious surfaces to reduce the production of surface runoff. The second is to manage runoff through techniques that use natural areas and landscaping to treat, retain, attenuate, and infiltrate stormwater on the development site instead of using traditional piped collection and conveyance systems. Often traditional piped systems fail to adequately treat and reduce the volume of stormwater runoff before it is discharged into water bodies. In addition, traditional piped systems fail to infiltrate stormwater and recharge groundwater. This impacts nearby streams by reducing summertime flows and magnifying wintertime flows, often exacerbating flooding, eroding stream channels and aquatic habitat, and contributing to excess siltation. In addition, untreated pollutants are washed into streams compromising water quality. Conversely, green development practices treat and manage stormwater runoff as close as possible to its source and mimic natural processes such as retention, infiltration, and evapotranspiration to treat and reduce the overall volume of stormwater runoff that drains into water bodies.

### **Stormwater Management**

#### **(A) Definitions**

- (1) **Green Development Practices.** Green development practices are defined as stormwater management techniques that utilize the processes of retention, infiltration, and evapotranspiration to treat runoff and reduce the volume of stormwater.
- (2) **On-site/On-lot Stormwater Management.** On-site/on-lot stormwater management techniques utilize facilities that the City has determined reduce net stormwater runoff from an improved property and reduce pollution entering surface water and groundwater. On-site/on-lot stormwater management facilities must be designed and constructed to City standards and be located as close to the source of runoff as possible. These facilities shall be located on private property and shall be privately owned and maintained. Acceptable on-site/on-lot facilities shall be identified by the City.

(B) **Purpose and Scope.** The regulations of this chapter implement the management of stormwater runoff from all new development in ways that minimize impacts on localized and downstream flooding and protect water quality and aquatic habitat through the use of green development practices. The guiding principal of green development practices is to mimic the natural hydrology of watersheds to manage stormwater drainage and water quality, moderate air and water temperatures, and provide aesthetic value.

(C) Stormwater runoff from new development shall be managed on-site. Applicants for new development must submit a stormwater management plan. The stormwater management plan, as required by the Gresham Water Quality Manual, shall provide details for developing in a manner that eliminates adverse impacts to water quality and aquatic habitat in downstream water bodies, with a particular focus on water quality parameters that are listed under Section 303(d) of the Clean Water Act and species that are listed as threatened or endangered under the Endangered Species Act. The stormwater management plan shall be approved by the manager and include the following.

- (1) The location and areas of all impervious surfaces.
  - (2) The location of all facilities for managing stormwater runoff from new impervious surfaces.
  - (3) All facilities shall comply with the standards set forth in the Green Development chapter of the Gresham Water Quality Manual.
  - (4) Applicants seeking exemptions for on-site stormwater management requirements listed in subsection C must follow the procedures outlined in the Gresham Water Quality Manual.
  - (5) A site plan showing the location of stormwater facilities and the accompanying property deed must be recorded with Multnomah County. The site plan shall also reference the applicable development permit file number and indicate that the approved design plans and maintenance agreement/plan for the facilities are on file with the City of Gresham Department of Environmental Services/Stormwater Division.
  - (6) For development with special landscaping requirements, stormwater may be directed into other required landscaping provided that the facilities listed in the Green Development Chapter of the Gresham Water Quality Manual are used for stormwater management.
- (D) Parking lot landscaping may be used as the water quality treatment facility for parking lots.
- (1) Purpose: This section is enacted with the purpose of achieving multiple functions from parking lot landscaping by using it for on-site/on-lot stormwater facilities for water quality treatment.
  - (2) Appropriate designs are contained in the Gresham Water Quality Manual.
  - (3) Landscaping for stormwater management within parking lots will count towards total percentage of landscaping required on site.
- (E) Stormwater discharges from private property must be discharged into an approved conveyance facility. Direct discharge to the Johnson Creek and its tributaries must be limited to the maximum extent possible and must have prior approval from the City.
- (F) A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this section.
- (G) Operations and maintenance requirements
- (1) The property owner, its successors or assigns, including any homeowner association or property manager, shall adequately maintain the on-site/on-lot stormwater management facilities according to the operations and maintenance specifications for those facilities outlined in the most recent version of the Green Development chapter of the Gresham Water Quality Manual. The applicant shall enter into a maintenance agreement/plan with the City, which specifies those measures necessary to ensure proper maintenance and performance of the facilities. As required by paragraph C(5) of this section, the recorded site plan showing the location of the stormwater facilities shall indicate that a City approved maintenance agreement/plan is on file with the City of Gresham Department of Environmental Services Stormwater Division and that the facilities must be operated and maintained in a manner consistent with the agreement/plan.
  - (2) A homeowners association may take over maintenance of on-site stormwater facilities provided that the homeowners association enters into a contract with the City agreeing to take over operations and maintenance from the property owner(s) and provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements. In lieu of a contract with the homeowners association, the City may

adopt code provisions regarding a property owner's ultimate responsibility to adequately maintain on-site stormwater facilities if the homeowner association fails to do so.

(H) Impervious Surface Coverage

The total percentage of a lot that can be covered by impervious surfaces (structures, including roof projections, impervious decks, and surfaces such as asphalt or concrete driveways, which substantially reduce and alter the natural filtration characteristics of the soil) is limited by the slope of the lot for all developments as follows:

- Lot Slope (Lot Coverage limit for impervious surfaces)
- Less than 15% (40%)
- 15% or greater (35%)

**4.1565 Tree Planting Requirements**

(A) Purpose and scope

This section is enacted with the goal of enhancing and protecting the existing tree canopy within the community to improve water quality, habitat, and aesthetics, and to minimize urban heat island effects. The tree-planting standard is a requirement for all new development. It encourages the planting and protection of trees, minimizes the impact of tree loss during development, and ensures a sustained tree canopy.

(B) Tree planting requirements

Applicants must submit a tree preservation or planting plan indicating how they will meet the following requirements. All planted trees shall be selected from the City of Gresham Recommended Tree List.

- (1) Single Family Dwellings. The applicant shall meet any one of the three options below. The applicant may choose to meet one or more of these options.
  - a) Tree preservation. At least 2 inches of existing tree diameter per 1,000 square feet of site area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 inches of existing tree diameter must be preserved per lot.
  - b) Tree planting. At least 2 inches of tree diameter per 1,000 square feet of site area must be planted. On lots that are 3,000 square feet or smaller, at least 3 inches of tree diameter must be planted per lot.
  - c) Tree Fund. This option may be used where site characteristics or construction preferences do not support the planting or preservation of trees. Proceeds from the tree fund may be used only in designated open space areas in Springwater. The applicant must contribute the cost to purchase and plant the required number of trees before a building permit will be issued:
    - For lots with 3,000 square feet or more of area, the cost to purchase and plant at least 2 inches of tree diameter per 1,000 square feet of site area; or
    - For lots with less than 3,000 square feet of area, the cost to purchase and plant at least 3 inches of tree diameter per lot.

- (2) Attached Residential Dwellings. As required in Section 7.0201.
- (3) All Other Development. At least 1 inch of tree diameter per 1,000 square feet of site area must be preserved or planted. This is in addition to any trees used to satisfy street tree or buffering and screening requirements.

#### **4.1566 Xeriscape Landscaping Requirements**

##### **(A) Purpose and Scope**

Xeriscape landscaping is a method of landscaping that promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, limiting the amount and type of irrigation and other related measures to conserve water and create a native landscape.

##### **(B) Applicability**

These requirements shall apply to all development in the IND-SW, VC-SW and RTI-SW sub-districts. These requirements shall be guidelines for all other sub-districts in the Springwater Plan District.

##### **(C) Xeriscape Landscaping Requirements**

All landscape plans should be designed to incorporate water conservation materials and techniques through application of xeriscape landscaping principles.

- (1) **Maximum Amount of Lawn Area.** The maximum amount of lawn/sod area shall not exceed 10% of the undeveloped area of the site.
- (2) **Plant Materials.** The selection of plant materials shall be based on Western Oregon's climate and site-specific conditions. These species shall be selected either because they are a native species to this climate or have a demonstrated drought tolerance and no threat of competition with native species.
- (3) **Limit of Work Area.** Prior to approval of any building permit, existing trees, shrubs, and/or ESRA areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four (4) foot high visibility fence (polyethylene, painted, wooden slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the construction period until ready for revegetation.
- (4) **Revegetation of Disturbed Land.** Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be mulched and revegetated with seeding and/or other plant materials. All seeded areas shall receive seeding mulch (straw-crimped in place or hydromulch, etc.).
- (5) **Keep vehicles and construction equipment out of undisturbed areas to preserve the natural ground cover and vegetation.**
- (6) **Noxious Weeds.** It is the duty of any property owner or occupant to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites.



- (7) Irrigation System Requirements. Landscape improvements shall be properly irrigated during that period of time necessary for the plant to be established on the site and on an ongoing basis so as to maintain the landscape in good health and condition. The applicant must indicate what method of irrigation is proposed for any required landscape improvements. Some species may not require formal irrigation after their establishment period. It is encouraged that temporary, above ground piping and heads or hand watering be used for these plants during their establishment period to promote water conservation once the plant has become established.
- (8) Environmentally sensitive habitat. Where landscaping is required for new development on parcels adjacent to or including the ESRA plan district, the protection or restoration of existing native tree canopy or wildlife habitat outside required buffers shall count toward landscaping percentage requirements. Restoration or protection shall consist solely of non-invasive, native plant materials appropriate to the habitat.

#### **4.1567 Lighting Requirements**

##### **(A) Purpose and Scope**

The goals of this section are to improve night sky access and reduce development impact on nocturnal environments.

##### **(B) Lighting Requirements**

All site lighting shall maintain safe light levels while avoiding off-site lighting and night sky pollution.

- (1) The maximum candela value of all exterior lighting shall fall within the property.
- (2) Any luminaire within a distance of 2.5 times its mounting height from the property boundary shall have shielding such that no light from that luminaire crosses the property boundary.
- (3) Strategies can include, but are not limited to, full cutoff luminaires, low-reflectance surfaces and low-angle spotlights.

#### **4.1568 Green Building Standards**

##### **(A) Purpose and Scope**

These standards are based on the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The standards aim to improve occupant well being, environmental performance and economic returns of buildings using established and innovative practices, standards and technologies.

##### **(B) Green Building Standards**

For mixed-use, industrial and office buildings, a total of 3 points shall be earned by implementing two or more of the following green building standards:

- (1) Provide secure bicycle storage with convenient changing/shower facilities (within 200 yards of the building) for 5 percent or more of regular building occupants. (1 point)

- (2) Provide alternative fuel vehicles for 3 percent of building occupants and provide preferred parking for these vehicles, or install alternative-fuel refueling stations for 3 percent of the total vehicle parking capacity of the site. Liquid or gaseous fueling facilities must be separately ventilated or located outdoors. (2 points)
- (3) Install a “green” (vegetated) roof for at least 50% of the roof area. (2 points)
- (4) Based on the US Energy Policy Act fixture performance requirements, reduce the use of municipally provided potable water for building sewage conveyance by a minimum of 50 percent, or treat 100% of wastewater on site to tertiary standards. (2 points)
- (5) Employ strategies that in aggregate use 20 percent less water than the water use baseline calculated for the building (not including irrigation). (1 point)
- (6) Supply at least 5 percent of the building’s total energy use (as expressed as a fraction of annual energy cost) through the use of on-site renewable energy systems. (2 points)
- (7) Install base building level HVAC and refrigeration equipment and fire suppression systems that do not contain HCFCs or Halons. (1 point)
- (8) Provide at least 50 percent of the building’s electricity from renewable sources by engaging in at least a two-year renewable energy contract. (2 points)
- (9) Provide an easily accessible area that serves the entire building and is dedicated to the separation, collection and storage of materials for recycling including (at a minimum) paper, corrugated cardboard, glass, plastics and metals. (1 point)
- (10) Use salvaged, refurbished or reused materials, products and furnishings for at least 5 percent of building materials. (1 point)
- (11) Use rapidly renewable building materials and products (made from plants that are typically harvested within a ten-year cycle or shorter) for 5 percent of the total value of all building materials and products used in the project. (1 point)
- (12) Use a minimum of 50 percent of wood-based materials and products, certified in accordance with the Forest Stewardship Council’s Principles and Criteria, for wood building components including, but not limited to, structural framing and general dimensional framing, flooring, finishes, furnishings, and non-rented temporary construction applications such as bracing, concrete form work and pedestrian barriers. (2 points)
- (13) Prohibit smoking in the building and locating any exterior designated smoking areas away from entries and operable windows. (1 point)
- (14) Provide at least an average of one operable window and one lighting control zone per 200 square feet for all regularly occupied areas within 15 feet of the perimeter wall. (1 point)
- (15) Achieve a minimum Daylight Factor of 2 percent (excluding all direct sunlight penetration) in 75 percent of all space occupied for critical visual tasks. Spaces excluded from this requirement include copy rooms, storage areas, mechanical plan rooms, laundry and other low occupancy support areas. (2 points)

# **Springwater Environmentally Sensitive Resource Area (ESRA) District**

## **Purpose**

### **4.1570 Purpose**

This designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within the Springwater Plan District. The ESRA-Springwater (ESRA-SW) sub-district implements the Springwater Natural Resource Goals and Policies, the Natural Resources Report and the recommendations of the ESEE Analysis. It is intended to resolve conflicts between development and conservation of streams corridors, wetlands, floodplains, and forests identified in the Springwater Plan District. The sub-district contributes to the following community objectives:

- (A) Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- (B) Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- (C) Protect upland habitats, and enhance connections between upland and riparian habitats and between Springwater habitats and nearby habitats.
- (D) Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- (E) Conserve scenic, recreational, and educational values of significant natural resources.

The ESRA-SW has significant ecological functions planned for integration with a new urban community and employment center. The long-term goal is to restore and enhance sensitive stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the sub-district.

## **General**

### **4.1571 How the ESRA-SW Works**

The ESRA-SW sub-district protects as one connected system, the critical habitats and associated natural functions of the streams, riparian corridors, wetlands and the forested parts of buttes found in Springwater. These habitats and functions are described in the Springwater Natural Resources Report. The ESRA-SW provisions apply to the ESRA-SW sub-district that is shown on the Springwater Plan Map and to the newly discovered or created ESRA-SW areas as noted below.

The ESRA-SW provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities are allowed within the sub-district under prescribed conditions such as recreation trails, planned road and utility line crossings and stormwater facilities. In addition on existing parcels that are entirely or mostly covered by the ESRA-SW (e.g. “highly constrained”), provisions allow a limited portion of the ESRA-SW to be developed with a residence or with an industrial use (in IND-SW and RTI-SW areas).

#### **4.1572 ESRA-SW Map Applicability**

- (A) The boundaries of the ESRA-SW sub-district are shown on the Springwater Plan District ESRA Map including approved amendments provided by the City at the time of application. The boundaries are based on a GIS-supported application of the Springwater Significance Matrix.
- (B) A wetland identified during the course of a development permit review that meets the State of Oregon’s definition of a “Locally Significant Wetland” shall be subject to the standards of the ESRA-SW sub-district. These wetlands shall be officially added to the City’s Springwater Plan District ESRA Map by the Manager, under a Type I procedure, after the development permit becomes final.
- (C) The City shall incorporate all ESRA-SW delineations associated with development permit applications and resource information updates on the Springwater Plan District ESRA Map on an annual basis, or as necessary, through a Type I procedure initiated by the Manager.
- (D) Where development is proposed entirely outside of the ESRA-SW, but within 100 feet of the ESRA-SW boundary, applicants must field verify this boundary through the Map Verification procedures outlined in Section 4.1592.
- (E) Where development is proposed within the ESRA-SW, applicants must field verify the ESRA boundary through the Map Verification procedures outlined in Section 4.1592. The developments shall also comply with the standards found in Sections 4.1578-4.1587, and others as applicable.
- (F) Additionally, applicants proposing to partition or subdivide properties containing ESRA-SW must comply with the partition and subdivision standards found in Section 4.1576(G), as well as the applicable provisions of Article VI Land Divisions and the Map Verification procedure in Section 4.1592.
- (G) Any change to the ESRA-SW boundary, not initiated by the City, that requires an adjustment of the boundary as shown on the Springwater Plan District ESRA Map shall be processed under the Type II development permit procedure.

#### **4.1573 ESRA-SW Sub-district Permit**

An ESRA-SW sub-district permit is required for those uses regulated under Section 4.1577, Uses Allowed Under Prescribed Conditions. An ESRA-SW permit shall be processed under the Type II development permit procedure, unless it is being processed in conjunction with an action requiring a Type III or Type IV development permit.

#### **4.1574 Emergencies**

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the City of Gresham Native Plant List. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or Threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

## **Prohibited, Exempted and Regulated Uses**

### **4.1575 Prohibited Uses**

The following development and activities are not allowed within the ESRA-SW sub-district:

- (A) Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the ESRA-SW sub-district or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns with the ESRA-SW sub-district that existed prior to the time the sub-district was applied to a subject property are allowed to continue but cannot expand further into the sub-district.
- (B) New lots that would have their buildable areas for new development within the ESRA-SW sub-district are prohibited.
- (C) The dumping of materials of any kind is prohibited with the ESRA-SW sub-district. The outside storage of materials of any kind is prohibited unless they existed before the sub-district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
- (D) Unless part of an approved development activity, grading, the placement of fill or the removal of native vegetation within the ESRA-SW sub-district is prohibited.

### **4.1576 Uses Allowed Outright (Exempted)**

The following uses are allowed within the ESRA-SW sub-district and do not require the issuance of an ESRA-SW permit:

- (A) City authorized stream, wetland, riparian, and upland restoration or enhancement projects.
- (B) Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- (C) Utility service using a single utility pole or where the disturbed area is outside of the top-of-bank of water bodies and is no more than 100 square feet of ground surface, and where that disturbed area is restored to the pre-construction conditions.
- (D) Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the City of Gresham Native Plant List.
- (E) Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review.
- (F) Trails meeting all of the following:
  - (1) Construction must take place between May 1 and October 30 with hand held equipment;
  - (2) Trail widths must not exceed 48 inches and trail grade must not exceed 20 percent;

- (3) Trail construction must leave no scars greater than three inches in diameter on live parts of native plants;
  - (4) Trails must not be within 25 feet of a wetland or the top of banks of water bodies;
  - (5) No impervious surface is allowed;
  - (6) No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 3-inch diameter and planted within 10 feet of the trail; and
  - (7) Trail plans and construction within the ESRA-SW must be authorized by the City.
- (G) All land divisions with tentative plans and approved building permit/construction plans showing all of the following and noted on final plat:
- (1) The boundaries of the ESRA-SW as field verified according to Section 4.1592.
  - (2) The building sites (or buildable areas) of the lots located at least 5 feet from the ESRA-SW boundary. For the purpose of this subparagraph, “building site” means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
  - (3) Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in the ESRA-SW;
  - (4) Streets, driveways and parking areas where all pavement is at least 10 feet from the ESRA-SW sub-district; and
  - (5) The ESRA-SW portions of all lots are protected by a conservation easement; or a lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- (H) Routine repair and maintenance of existing structures, roadways, driveways, utility lines and utilities where the disturbed area is outside of the top-of-bank of a water body and is no more than 100 square feet of ground surface.
- (I) Replacement, additions, alterations and rehabilitation of existing structures, roadways, driveways, utility lines and utilities where the ground level impervious surface area is not increased and where the disturbed area is outside of the top-of-bank of a water body and is no more than 100 square feet of ground surface.
- (J) Measures mandated by the City of Gresham to remove or abate nuisances or hazardous conditions.
- (K) Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the City of Gresham Native Plant List), and removal of refuse and fill, provided that:
- (1) All work is done using hand-held equipment;
  - (2) No existing native vegetation is disturbed or removed; and
  - (3) All work occurs outside of wetlands and the tops-of-bank of streams.

#### **4.1577 Uses Allowed Under Prescribed Conditions**

The following uses within the ESRA-SW sub-district are subject to the applicable standards listed in Sections 4.1578 through 4.1587, and others as applicable.

- (A) Alteration to existing structures within the ESRA-SW sub-district when not exempted by Section 4.1576, subject to Section 4.1580.
- (B) A residence on a vacant lot that existed before annexation and that had less than 5,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the ESRA-SW portion of the property, subject to subsection 4.1579.A.
- (C) A land division that would create a new lot for an existing residence currently within the ESRA-SW, subject to Section 4.1583.
- (D) Trails/pedestrian paths when not exempted by Section 4.1576, subject to Section 4.1584 (for trails) or Section 4.1582 (for paved pedestrian paths).
- (E) New roadways, bridges/creek crossings, utilities, utility lines and stormwater facilities or alterations to such facilities when not exempted by Section 4.1576, subject to Section 4.1582 (for roads, bridges/creek crossings) or Section 4.1581 (for utility lines) or Section 4.1578 (for stormwater detention or pre-treatment facilities).
- (F) Industrial development on a vacant lot of record situated in an area designated IND-SW or RTI-SW that has more than 75% of its area covered by the ESRA-SW, subject to subsection 4.1579(B). (Note: A lot of record is a lot that existed before a property was annexed into the City of Gresham.)

### **Development Standards**

#### **4.1578 General Development Standards**

The following standards apply to all regulated development within the ESRA-SW sub-district with the exception of rights of ways (subject to Section 4.1582), trails (subject to Section 4.1584), utilities, utility lines and stormwater facilities (subject to Section 4.1581), land divisions (subject to Section 4.1583), and mitigation projects (subject to Section 4.1585 or 4.1586):

- (A) Native trees may only be removed if they occur within 10 feet of any proposed structures or within 5 feet of new driveways. Trees listed on the Metro Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. Mitigation for tree removal of native and non-native trees is required per Section 4.1585 and 4.1586;
- (B) All vegetation planted in a resource area must be native and listed on the City of Gresham Native Plant List;
- (C) Grading is subject to installing the erosion control measures required by the City of Gresham Erosion Control Technical Guidance Handbook;
- (D) The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero;

- (E) Fences are allowed only within the disturbance area, as described in Section 4.1579(A);
- (F) Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) must be placed so they do not shine directly into resource areas;
- (G) If development will occur within the 100 yr. floodplain, the FEMA floodplain standards must be met; and
- (H) Mitigation is required, subject to Section 4.1585 or 4.1586

**4.1579 Maximum Disturbance Allowance for Constrained Lots of Record**

In addition to the above General Development Standards of Section 4.1478, the following standards apply to a vacant lot of record that is highly constrained by the ESRA-SW sub-district, per subsections 4.1577(B) and 4.1577(F):

- (A) In the ESRA-SW where the adjacent district is not IND-SW or RTI-SW: the maximum disturbance area allowed for a new residence with the ESRA-SW area of the lot is determined by subtracting all portions of the lot outside the ESRA-SW area from the number listed in the table below.

|  |
|--|
| <p><b>Table 1</b><br/> <b>Maximum Disturbance Area</b><br/> <b>Allowed For Residence</b></p> |
| <p>Maximum Disturbance Area =5,000<br/> sq. ft. [1]</p>                                      |

[1] Note: Subtract the amount of area on the lot outside the ESRA-SW area from the number given in the above table.

- (B) In the ESRA-SW where the adjacent district is either IND-SW or RTI-SW: the maximum disturbance area allowed for an office or industrial use within the ESRA-SW area of a lot is that square footage when added to the square footage of the lot lying outside the ESRA-SW portion equals 25% of the total lot area. [1] Lots that are entirely covered by the ESRA-SW will be allowed to develop 25% of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the ESRA-SW; (3) The result is the maximum square footage of disturbance to be allowed in the ESRA-SW portion of the lot.

- (C) In all areas of Springwater, the disturbance area within the ESRA-SW must be set back at least 100 feet from the top of bank on Johnson Creek, or 50 feet from the top of bank of any tributary of Johnson Creek, other water body, or from the delineated edge of a wetland located within the ESRA-SW area.



#### **4.1580 Existing Development Standards**

In addition to the General Development Standards of Section 4.1578, the following standards apply to alterations of existing development within the ESRA-SW sub-district, except for trails, rights of way, utilities, utility lines, stormwater facilities, land divisions and mitigation projects:

- (A) One of the following must be met:
  - (1) The disturbance area does not exceed the limitations of above Table 1 of subsection 4.1579 and the disturbance area is not expanded into or within five feet of the ESRA-SW boundary; or
  - (2) If the existing disturbance area now exceeds the limitations of above Table 1, a permanent disturbance area must be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area must be shown on every subsequent proposal for alterations meeting this standard.
- (B) The proposed development must be set back at least 25 feet from the top-of-bank of any stream, waterbody, or from the delineated edge of any wetland located within the ESRA-SW area.

#### **4.1581 Standards for Utilities, Utility Lines and Stormwater Facilities**

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the ESRA-SW sub-district:

- (A) Utilities and Utility Lines

The disturbance area for private connections to utility lines is no greater than 10 feet wide;

  - (1) The disturbance area for the upgrade of existing utility lines is no greater than 15 feet wide;
  - (2) New utility lines must be within the right-of-way unless it is shown that there are no feasible alternatives.
  - (3) No fill or excavation is allowed within the ordinary high water mark of a stream;
  - (4) The Department of State Lands must approve any work that requires excavation or fill in a wetland;
  - (5) Native trees more than 10 inches in diameter may not be removed unless it is shown that there are no feasible alternatives; and
  - (6) Mitigation is required, subject to Section 4.1585 or 4.1586. All trees must be planted on the applicant's site. The replacement trees must be selected from the City of Gresham Native Plant List.
- (B) Stormwater Facilities, other than those listed in Section 4.1581(A)

The following standards apply to new stormwater facilities and upgrades of existing stormwater facilities within the ESRA-SW sub-district:

- (1) Stormwater facilities may be placed in the ESRA-SW sub-district when shown on the adopted Springwater Master Plan or when there is no feasible alternative location outside the ESRA-SW;
- (2) No fill or excavation is allowed within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;
- (3) The Department of State Lands must approve any work that requires excavation or fill in a wetland.
- (4) Native trees more than 10 inches in diameter may not be removed unless it is shown that there are no feasible alternatives; and
- (5) Mitigation is required, subject to Section 4.1585 or 4.1586. All trees must be planted on the applicant's site. The replacement trees must be selected from the City of Gresham Native Plant List.

#### **4.1582 Standards for Rights of Ways**

The following standards apply to public rights of way within the ESRA-SW sub-district, including roads, bridges/stream crossings and pedestrian paths with impervious surfaces:

- (A) Where the right-of-way crosses a stream the crossing must be by bridge or a bottomless culvert;
- (B) No fill or excavation can occur within the ordinary high water mark of a stream;
- (C) The Oregon Department of State Lands (DSL) has approved any work that requires excavation or fill in a wetland;
- (D) Any work that will take place within the banks of a stream must be conducted between June 1 and August 31, or must be approved by the Oregon Department of Fish and Wildlife; and
- (E) Mitigation is required, subject to Section 4.1585 or 4.1586.

#### **4.1583 Standards for Land Divisions**

Other than those land divisions exempted by Section 4.1576 (G), the only type of lot allowed within the ESRA-SW sub-district is a lot that will be created for a residence which existed before the ESRA-SW was applied to a subject property. A new lot for an existing house can be created when all of the following are met:

- (A) There is an existing house on the site that is entirely within the ESRA-SW area; and
- (B) The existing house will remain; and
- (C) The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a 20-foot deep rear yard, with the remaining ESRA-SW area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

#### **4.1584 Standards for Trails**

The following standards apply to trails within the ESRA-SW sub-district:

- (A) All trails must be setback at least 50 feet from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Springwater Parks, Open Space and Trails Master Plan; and
- (B) Mitigation is required, subject to Section 4.1585 or 4.1586.

#### **4.1585 Mitigation Standards**

The following standards (or the alternative standards of Section 4.1586) apply to required mitigation:

- (A) Mitigation must occur at a 2:1 ratio of mitigation area to proposed disturbance area, except as noted in Section 4.1585(E) below;
- (B) Mitigation must occur on the site where the disturbance occurs, except as follows:
  - (1) The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
  - (2) The mitigation will occur first on the same tributary within Springwater, secondly in Springwater on Johnson Creek or a tributary, or thirdly as close to the impact area as possible within the Johnson Creek basin; and
  - (3) An easement that allows access to the mitigation site for monitoring and maintenance is provided as part of the mitigation plan.
- (C) Mitigation must occur within the ESRA-SW area of a site unless it is demonstrated that this is not feasible because there is a lack of available and appropriate area. In which case, the proposed mitigation area must be contiguous to the existing ESRA-SW area so the ESRA-SW boundary can be easily extended in the future to include the new resource site. All mitigation shall occur within the Johnson Creek watershed, as close to the area of impact as possible.
- (D) Invasive vegetation must be removed within the mitigation area;
- (E) Wetland mitigation shall be conducted per the functional and area replacement standards established by the Army Corps of Engineers and the Oregon Department of State Lands. An alternative planting plan using native plants can be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the Oregon Department of State Lands in conjunction with a wetland fill permit application.
- (F) Mitigation requirements for disturbance in the ESRA-SW:
  - (1) Required plants and plant densities. All trees, shrubs and ground cover must be native plants selected from the City of Gresham Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the mitigation area required is one acre or more, the applicant shall comply with Mitigation Option 2:
    - a. Mitigation Option 1. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 4.1585(A). Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native

sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

**Table 4.1585 (A) - Tree Replacement**

| <b>Size of tree to be removed<br/>(inches in diameter)</b> | <b>Number of trees and shrubs to be<br/>planted</b> |
|--|---|
| 6 to 12  | 2 trees and 3 shrubs                                |
| 13 to 18   | 3 trees and 6 shrubs                                |
| 19 to 24   | 5 trees and 12 shrubs                               |
| 25 to 30   | 7 trees and 18 shrubs                               |
| over 30  | 10 trees and 30 shrubs                              |

b. Mitigation Option 2. In this option, the mitigation requirement is calculated based on the size of the mitigation area required. Native trees and shrubs are required to be planted at a rate of 820 trees and 820 shrubs per acre of mitigation required. This amount shall be adjusted proportionally for smaller mitigation areas. For example, 410 trees and 410 shrubs per mitigation acre shall be planted for one-half acre of mitigation area. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

(2) Plant size.

a. For Mitigation Option 1: Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees unless they are Oak or Madrone trees which may be one gallon size. The one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

b. For Mitigation Option 2: Plantings can range from live cuttings, to bare root stock to container stock in size. Initial plantings should be at least 12 inches in height.

(3) Plant Spacing. With the exception of the outer edge of a mitigation area, trees and shrubs will not be planted in a linear fashion. Do not plant within the dripline of existing trees.

a. In Mitigation Option 1, trees shall be planted on average between 8 and 12 feet on-center and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.

b. In Mitigation Option 2, trees shall be planted at average intervals of 7 feet on-center. Shrubs may be clustered in single species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

(4) Plant diversity. Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

(5) Plant species. In order to meet the City stream shade goals (developed and approved by the Department of Environmental Quality in compliance with the Total Maximum Daily Load rules) for reducing summer stream temperatures, the following species standards need to be

followed for any mitigation occurring within 70 feet of a stream. At least 70% of the trees planted in this area need to be comprised of the tallest native tree species appropriate for the site, as indicated by an asterisk in Table 4.1585(B) or as reflected in the City of Gresham Native Plant Guide.

| <b>Table 4.1585(B)</b>  |                             |                                    |   |
|---|-----------------------------|------------------------------------|---|
| <b>Recommended Tree and Shrub Species for Planting within Riparian Shade Zone</b> |                             |                                    |   |
| <b>Site Conditions</b>  | <b>Typical Soil Series</b>  | <b>Recommended Plant Community</b> |   |
| Floodplain and wetlands   | Moag<br>Rafton              | Trees                              | Black cottonwood*<br>Pacific willow   |
|   |                             | Shrubs                             | Red-osier dogwood<br>Snowberry<br>Willow<br>Wild rose   |
| Floodplain and wetlands   | Delena<br>Wapato<br>Wollent | Trees                              | Black cottonwood*<br>Pacific willow<br>Red alder<br>Oregon ash<br>Western redcedar*   |
|   |                             | Shrubs                             | Douglas spiraea<br>Pacific ninebark<br>Red-osier dogwood<br>Snowberry<br>Twinberry<br>Wild rose<br>Willow   |
| Moist Riparian  | Aloha<br>Cascade<br>Powell  | Trees                              | Bigleaf maple*<br>Black cottonwood*<br>Grand fir*<br>Red alder<br>Western redcedar*   |
|   |                             | Shrubs                             | Bitter cherry<br>Black hawthorn<br>Hazelnut<br>Indian plum<br>Oregon grape<br>Red elderberry<br>Salal<br>Salmonberry<br>Snowberry<br>Thimbleberry<br>Vine maple |

| <b>Table 4.1585(B)</b>   |  |                                    |   |
|--|--|------------------------------------|---|
| Recommended Tree and Shrub Species for Planting within Riparian Shade Zone |  |                                    |   |
| <b>Site Conditions</b>   | <b>Typical Soil Series</b>   | <b>Recommended Plant Community</b> |   |
| Dry Riparian   | Cornelius<br>Dabney<br>Haploxerolls, steep<br>Haplumbrepts, steep<br>Latourell<br>Multnomah<br>Quafeno | Trees                              | Bigleaf maple*<br>Douglas fir*<br>Oregon white oak<br>Western hemlock*                    |
|  |  | Shrubs                             | Hazelnut<br>Indian plum<br>Oceanspray<br>Oregon grape<br>Salal<br>Snowberry<br>Vine maple |

(6) Location of mitigation area. All vegetation must be planted on the applicant’s site within the ESRA-SW or in an area contiguous to the ESRA-SW; provided, however, that if the vegetation is planted outside the ESRA-SW, the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. All mitigation shall occur within the Johnson Creek watershed, as close to the area of impact as possible.

(G) Monitoring, reporting and replanting. Monitoring of the mitigation site is the responsibility of the property owner. Plants that die must be replaced in kind on an annual cycle by the property owner or designee, as indicated on the mitigation plan. For a period of five years, the property owner/designee must submit an annual report to the City of Gresham as described in 4.1590 documenting the survival of the trees and shrubs on the mitigation site. Photos must accompany the annual report that shows the progress of the mitigation.

A financial guarantee, in the form of an instrument approved by the City, shall be submitted before development within the ESRA-SW commences. It shall be in an amount adequate to cover the cost of performing the mitigation. The City will release the guarantee at the end of the five year monitoring period provided the mitigation survival rates of Section 4.1585(G)(1) below have been met, or before, if it determines that the trees and shrubs have been successfully established. If the mitigation survival rates have not been met at the end of the five year monitoring period, the guarantee will be held until such time as the City determines that the trees and shrubs have been successfully established.

(1) Required Tree and Shrub Survival Rates

- a. For Mitigation Option 1: A minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.
- b. For Mitigation Option 2: A minimum of 500 trees and 650 shrubs per mitigation acre required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

(H) General Stewardship Practices. To enhance survival of the mitigation plantings, the following practices are required:

- (1) Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

- (2) Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
- (I) Mitigation 1 Stewardship Practices. To enhance survival of the mitigation plantings, the following practices are required for Mitigation Option 1. These are recommended for Mitigation Option 2 if annual survival goals are not being met:
  - (1) Mulching. Mulch new plantings three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
  - (2) Irrigation. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- (J) To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:
  - (1) Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

**4.1586 Alternative Mitigation Standards**

In lieu of the above mitigation standards of Section 4.1585, the following standards can be used. However, compliance with these standards must be demonstrated in a mitigation plan report and mitigation plan prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant’s expense, the City may require the report to be reviewed by its environmental consultant.

- (A) The proposed mitigation must occur at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
- (B) The proposed mitigation must result in a significant improvement of at least one function;
- (C) There will be no detrimental impact on resources and functions in area designated to be left undisturbed;
- (D) Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there will be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- (E) Mitigation must occur on the site of the disturbance and in the same subwatershed as much as possible. All mitigation shall occur within the Johnson Creek watershed, as close to the area of impact as possible. If the proposed mitigation will not occur on the site of the disturbance, then the applicant must possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

**4.1587 Adjustment from Standards**

If a regulated ESRA-SW sub-district use listed in Section 4.1577 cannot meet one or more of the applicable ESRA-SW standards then an adjustment may be issued if all of the following criteria are met. However, compliance with these criteria must be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more

natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by its environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant must demonstrate:

- (A) There are no feasible alternatives for the proposed use or activity to be located outside the ESRA-SW area or to be located inside the ESRA-SW area and to be designed in a way that will meet all of the applicable NR-SW development standards;
- (B) The proposal has fewer adverse impacts on significant resources and resource functions found in the local ESRA-SW area than actions that would meet the applicable environmental development standards;
- (C) The proposed use or activity proposes the minimum intrusion into the ESRA-SW area that is necessary to meet development objectives;
- (D) Fish and wildlife passage will not be impeded; and
- (E) With the exception of the standard(s) subject to the adjustment request, all other applicable ESRA-SW standards can be met.

### **Application Requirements**

#### **4.1588 Development Permit Application Type**

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

- (A) Type I Process
  - (1) The Map Verification process to verify the location of the ESRA-SW sub-district boundary per the approved Springwater Plan District ESRA Map or approved ESRA-SW sub-district boundary amendments provided by the City shall be processed as a Type I application.
  - (2) City updates to the Springwater Plan District ESRA Map associated with development permit applications and resource information updates shall be processed as a Type I procedure. This shall not be considered a comprehensive plan map amendment.
- (B) Type II Process
  - (1) The Map Modification process, unless otherwise noted in Section 4.1432 or directed by the ESRA-SW standards, will be processed as a Type II development permit application.
  - (2) Proposed development within the ESRA-SW sub-district shall be processed as a Type II development permit application.



(C) Decision Process

The Manager's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any information generated by prior ESRA boundary determinations that have occurred on adjacent properties, and any other objective factual information that has been provided to the Manager.

**4.1589 Required Site Plans**

Site plans showing the following required items must be part of the application:

(A) For the entire subject property (ESRA-SW and non-ESRA-SW areas):

- (1) The ESRA-SW sub-district boundary. This may be scaled in relation to property lines from the Springwater Plan District Plan Map. If the ESRA-SW sub-district boundary is proposed to be modified, then the existing and proposed ESRA-SW boundary shall appear on the plan;
- (2) 100 year floodplain and floodway boundary (if determined by FEMA);
- (3) Creeks, streams and other waterbodies;
- (4) Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
- (5) Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;
- (6) Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.; and
- (7) The existing and proposed ESRA-SW area acreage.

(B) Within the ESRA-SW area of the subject property:

- (1) The distribution outline of shrubs and ground covers, with a list of most abundant species;
- (2) The individual location of trees 6 inches or greater in diameter, identified by species and size. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
- (3) An outline of the disturbance area or ESRA-SW area being challenged that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to location, number, trunk diameters and species;
- (4) If grading will occur within the ESRA-SW, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.

- (C) A construction management plan including:
  - (1) Location of site access and egress that construction equipment will use;
  - (2) Equipment and material staging and stockpile areas;
  - (3) Erosion control measures that conform to City of Gresham erosion control standards;
  - (4) Measures, such as the installation of tree protection fencing, to protect trees and other vegetation located outside the disturbance area.
  
- (D) A mitigation plan demonstrating compliance with Section 4.1585 or 4.1586, including:
  - (1) Dams, weirs or other in-water features;
  - (2) Distribution outline, species composition, and percent cover of ground covers to be planted or seeded, including a plant list with quantities, botanical name, common name and size of proposed groundcover plantings;
  - (3) Distribution outline, species composition, size, and spacing of shrubs to be planted, including a plant list with quantities, botanical name, common name, size and root type of proposed shrub plantings;
  - (4) Location, species and size of each tree to be planted, including a plant list with quantities, botanical name, common name, size and root type of proposed tree plantings;
  - (5) Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
  - (6) Water bodies or wetlands to be created, including depth;
  - (7) Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

#### **4.1590 Mitigation Plan Report**

A mitigation plan report that accompanies the above mitigation site plan is also required. It needs to discuss:

- (A) The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- (B) Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the DSL and the USACE;
- (C) Construction timetables;
- (D) Operations and maintenance practices to ensure the continued functioning of the mitigation area; and

- (E) Annual monitoring and evaluation procedures and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.

### Miscellaneous

#### **4.1591 Density Transfer**

The Springwater Plan District allocates urban densities to the non-ESRA-SW portions of properties located partially within the ESRA-SW sub-district, generally resulting in a substantial increase in net development potential. For lots of record that are located within the ESRA-SW sub-district, additional density transfer credits are allowed, subject to the following provisions:

- (A) Density may be transferred from the ESRA-SW sub-district to non-ESRA-SW portions of the same property or of contiguous properties within the same development site;
- (B) The residential transfer credit shall be 1 unit per acre of land within the ESRA-SW sub-district. (Conventional rounding applies, e.g., A property with >.5 acre to 1 acre shall receive a density credit of 1 unit. A property with 1.5 or more acres of land in the ESRA-SW but less than 2.5 acres is eligible for 2 transfer credits).
- (C) For transfers to the Employment sub-district, the transfer credit is 10,000 sq. ft. (FAR) per acre of land within the ESRA-SW Sub-district;
- (D) The maximum gross density for the non-ESRA-SW area of the site shall not exceed 150% of the maximum density or FAR allowed by the underlying sub-district;
- (E) The owner of the transferring property shall execute a covenant with the City that records the transfer of units. The covenant must be found to meet the requirements of this section and be recorded before building permits are issued; and
- (F) All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.

#### **4.1592 Map Verification and Modification of ESRA-SW Boundary**

The ESRA-SW sub-district boundary may have to be adjusted occasionally to reflect the true location of a resource and its feature values on a site. This could occur as a result of a site specific environmental survey. Also, in those cases where mitigation occurs outside the current ESRA-SW and/or part of a site within the ESRA-SW has been developed, the ESRA-SW boundary must be adjusted to recognize the relocation of a natural resource.

- (A) ESRA-SW Map Verification
  - (1) Exempt Development. Development, (including all impervious surfaces and landscaping), that is outside of any ESRA-SW and no closer than 100 feet to the border of an ESRA-SW based on the City's Springwater Plan District ESRA Map, may proceed without having to comply with this section.

- (2) The ESRA-SW Boundary shall be field verified, field staked and located to scale on all submittal documents.
- (3) The Map Verification process is the process of verifying the location of the ESRA-SW boundary in the field relative to the location of the ESRA-SW boundary on the Springwater Plan District Map. The Map Verification process shall not be used to dispute whether identified ESRA-SW sub-districts provide the features or the ecological functions that they are assumed to provide.
- (4) The map verification requirements described in this section shall be met at the time an applicant requests a development permit, building permit, grading permit, tree removal permit, land division approval, or some other land use decision. A property owner, or another person with the property owner's consent, may request to verify the location of the ESRA-SW on a real property lot or parcel pursuant to this section at other times. If a person receives verification of the ESRA-SW boundary separate from a concurrent request for a development permit, building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.
- (5) Notwithstanding any other provisions of this section for utility projects undertaken by public utilities, the utility shall not be required to map or provide information about the property except for the proposed area of construction impact within the ESRA-SW or within 100 feet of the ESRA-SW boundary.

**(B) ESRA-SW Map Modification**

The Map Modification process shall be used to modify the location of the ESRA-SW Boundary in the following circumstances:

- (1) Obvious Misalignment between Mapped ESRA-SW and Property Lot Lines.  
 In some cases, the mapped ESRA-SW layer in the GIS database might not align precisely with the tax lot layer that shows property lines, resulting in an ESRA-SW map that is also misaligned with tax lot lines. An applicant who believes that the ESRA-SW map is inaccurate based on such an obvious misalignment may comply with this subsection. The applicant shall submit the following information regarding the real property lot or parcel:
  - (a) A detailed property description; and
  - (b) A scaled property map indicating the City adopted ESRA-SW, any approved ESRA-SW map amendments provided by the City at the time of application and any proposed development improvements; and
  - (c) The most recent summer aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742); and
  - (d) The information required to be submitted under Section 4.1589 of this ordinance if the applicant proposes development within any ESRA-SW under those provisions; and

- (e) Any other factual information that the applicant wishes to provide to support map verification; and
  - (f) A documented demonstration of the misalignment between the ESRA-SW map and the property's tax lot boundary lines. For example, an applicant could compare the boundary lot lines shown for roads within 500 feet of a property with the location of such roads as viewed on the aerial photograph of the area surrounding a property to provide evidence of the scale and amount of incongruity between the ESRA-SW maps and the property lot lines, and the amount of adjustment that would be appropriate to accurately depict the ESRA-SW location on the property.
- (2) Mapping Error in the Presence, Location, Size or Extent of the Natural Resource Feature. Mapping errors of this nature are limited to natural resource features that include only the following: vegetation, both woody and non-woody; tree groves; water bodies, such as streams, creeks and wetlands; and floodplain. In some cases, the mapped natural resource feature such as a stream or creek in the GIS database might not align precisely with the verified field location of that resource. An applicant who believes that the ESRA-SW map is inaccurate based on such an obvious misalignment may comply with this subsection. The applicant shall submit the following information regarding the real property lot or parcel:
- (a) A detailed property description; and
  - (b) A scaled property map indicating the City adopted ESRA-SW and GIS natural resource feature, any approved ESRA-SW map amendments provided by the City at the time of application and any proposed development improvements; and
  - (c) The most recent summer aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742); and
  - (d) The information required to be submitted under Section 4.1589 of this ordinance if the applicant proposes development within any ESRA-SW under those provisions; and
  - (e) A narrative justifying the ESRA-SW map modification prepared by a qualified professional with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry; and
  - (f) A documented scaled property plan demonstrating the misalignment between the adopted ESRA-SW map location and GIS water resource and the proposed ESRA-SW map location and field verified water resource; and
  - (g) The existing and proposed ESRA-SW Boundary shall be field verified, field staked and located to scale on all submitted documents; and

- (h) Any other factual information that the applicant wishes to provide to support map modification.
- (C) The ESRA-SW boundary may be adjusted after the following has been met, as applicable:
- (1) Adding a mitigation area to the ESRA-SW sub-district: An approved mitigation plan has been successful and a new restored, or enhanced resource site presently exists outside the ESRA-SW which should be included in the ESRA-SW for future protection.
  - (2) Relocating or modifying the ESRA-SW resource in accordance with Section 4.1592(B).
  - (3) If the modification of ESRA-SW boundary under this section results in land being relocated or removed from ESRA-SW designation then the former ESRA-SW land shall assume the Springwater Plan District sub-district(s) designation adjacent to the land.

#### **4.1593 Corrections to Violations**

For correcting violations, the violator must submit a remediation plan that meets all of the applicable standards of the ESRA-SW sub-district. If one or more of these standards cannot be met then the applicant's remediation plan must demonstrate that there will be:

- (A) No permanent loss of any type of resource or function;
- (B) A significant improvement of at least one function; and
- (C) There will be minimal loss of resources and functions during the remediation action until it is fully established.

#### **4.1594 Consistency and Relationship to Other Regulations**

- (A) Where the provisions of the ESRA-SW sub-district are less restrictive or conflict with comparable provisions of the Gresham Community Development Code, other City requirements, regional, state or federal law, the provisions that are more restrictive shall govern.
- (B) Development in or near wetlands and streams may require permits from the DSL and/or the USACE. If a federal permit is required, a Section 401 water quality certification from the Oregon Department of Environmental Quality may also be required. The City's Project Manager shall notify the DSL or USACE when an application for development within the ESRA-SW sub-district is submitted. Because these agencies may have more restrictive regulations than the City, applicants are encouraged to contact them before they prepare their application.

# Article V Overlay Districts

## Section 5.0000 Purpose and Authority

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### General

#### 5.0001 Overlay Districts

### General

#### **5.0001 Overlay Districts**

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

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

## **Section 5.0100**

### **Flood Plain Overlay District**

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#### General

- 5.0101 Introductory Provisions
- 5.0102 Warning and Disclaimer of Liability
- 5.0103 Interpretation of FIRM Boundaries

#### Permitted Uses

- 5.0110 Permitted Land Uses

#### Development Standards

- 5.0120 Standards for Development in the Flood Plain Overlay District
- 5.0121 Floodways
- 5.0122 Coordination With Other Regulatory Agencies
- 5.0123 Information to be Obtained and Maintained
- 5.0124 Alteration of Watercourses
- 5.0125 Flood Management Performance Standards

### **General**

#### **5.0101 Introductory Provisions**

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

#### **5.0102 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.



### **5.0103 Interpretation of FIRM Boundaries**

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

## **Permitted Uses**

### **5.0110 Permitted Land Uses**

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

- (A) Will not result in an increase in flood plain area on other properties;
- (B) Will not reduce natural flood storage volumes; and
- (C) Will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduced slope stability downstream of the development. Stream velocity following development shall not exceed findings and recommendations of the storm drainage master plan for the affected stream.

## **Development Standards**

### **5.0120 Standards for Development in the Flood Plain Overlay District**

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

- (A) Anchoring
  - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (B) Construction Materials and Methods
  - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (C) Utilities
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (D) Subdivision Proposals
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.
- (E) Residential Construction
- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation plus one foot.
  - (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (b) The bottom of all openings shall be no higher than one foot above grade.
    - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (F) Non-Residential Construction
- (1) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation plus one foot; or together with attendant utility and sanitary facilities, shall:

- (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (c) Be certified by a registered professional engineer or architect to have design and methods of construction which are in accordance with accepted standards of practice for meeting the intent of provisions of this subsection.
- (2) Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 5.0120 (E) (2).
- (3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- (G) Placement of Manufactured Homes

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

#### **5.0121 Floodways**

Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. Due to this fact, encroachments, including fill, new construction, substantial improvements, retaining walls, and other development shall be prohibited. Exceptions to this are fences (except walls or footings for a fence that change the shape of the floodway), public bridges, outfall structures, and fire hydrants which are allowed subject to standards established in the City Public Works Standards. Under no circumstances shall any of these exceptions cause a change in floodway capacity.

#### **5.0122 Coordination With Other Regulatory Agencies**

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

#### **5.0123 Information to be Obtained and Maintained**

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

- (2) Maintain the certifications of registered engineers and architects required in conformance with these provisions.

#### **5.0124 Alteration of Watercourses**

- (A) When development activity is proposed which would result in relocation or alteration of a watercourse lying within a Flood Plain Overlay District, the Manager shall cause notice of the proposed development to be mailed to those jurisdictions through which the watercourse passes, to the Division of State Lands, and to the State Department of Land Conservation and Development.
- (B) The Manager shall approve issuance of a development permit for proposed relocation or alteration of a watercourse only when the following criteria are satisfied:
  - (1) Satisfactory documentation, prepared by a registered professional engineer, shall be submitted demonstrating that such development will not diminish the flood carrying capacity of the watercourse within the altered or relocated portion of said watercourse.
  - (2) A plan providing for on-going maintenance of the watercourse and adjacent land areas adequate to maintain the flood carrying capacity of the watercourse shall be prepared and submitted.

#### **5.0125 Flood Management Performance Standards**

- (A) All development, excavation and fill in the Flood Plain Special Purpose District shall conform to the following performance standards.
  - (1) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
  - (2) All fill placed at or below the design flood elevation in the Flood Plain Special Purpose District shall be balanced with at least an equal amount of soil material removal.
  - (3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
  - (4) Temporary fills permitted during construction shall be removed.
  - (5) Uncontained areas of hazardous materials as defined by DEQ in the Flood Plain Special Purpose District shall be prohibited.
  - (6) Development, excavation and fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities.
- (B) The following uses and activities are not subject to the requirements of Subsection (A) above:
  - (1) Excavation and fill necessary to plant new trees or vegetation.
  - (2) Excavation and fill required for the construction of public detention facilities or structures, and other facilities specifically designed to reduce or mitigate flood impacts. Such facilities shall not be used to create new buildable lands.
  - (3) New culverts, stream crossings, and transportation projects may be permitted only if designed as balanced cut and fill projects or designed to not raise the design flood elevation. Such projects shall be designed to minimize the area of fill in the Flood Plain Special Purpose District and to minimize erosive velocities. Stream crossing shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

## **Section 5.0200**

### **Hillside Physical Constraint Overlay District**

#### General

5.0201 Purpose

5.0202 Definition and Applicability

#### Submittal Requirements

5.0210 Submittal Requirements

#### Development Standards

5.0220 Development Standards

5.0221 Lot Development Standards

5.0222 Development on Slopes Greater than 35%

5.0223 Minimizing Site Disturbance

5.0224 Shared Driveways

5.0225 Trees and Vegetation

5.0226 Surface and Groundwater Drainage

5.0227 Development in “Further Review Areas”

### **General**

#### **5.0201 Purpose**

The purpose of the Hillside Physical Constraint Overlay District (HPCD) is to ensure that development in or adjacent to hillside areas occurs in such a manner as to:

- (A) Minimize the potential for earth movement and resultant hazards to life and property;
- (B) Minimize soil erosion and siltation;
- (C) Protect water quality;
- (D) Minimize vegetation removal in sloped areas;
- (E) Protect the aesthetic and scenic qualities of hillside areas;
- (F) Assure the compatibility of a new development with surrounding areas;
- (G) Encourage site and building design which is consistent with the natural topography; and
- (H) Minimize the cost of public infrastructure provision; and provide for adequate access for emergency services.

#### **5.0202 Definition and Applicability**

- (A) Hillside Physical Constraint Overlay District Definition - The Hillside Physical Constraint Overlay District (HPCD) are those areas of the City that are shown on the Community Development Hillside Special Purpose District Map and:
  - (1) Where the slope of the land (before development) is 15% or greater; or
  - (2) Are within a “Higher Landslide Risk Area”;
  - (3) Are within a “Transition Area” (see 5.0202(C) below); or
  - (4) Are within a “Further Review Area”.

For the purposes of this section, areas of slope that are subject to the provisions of the HPCD, are contiguous areas that exhibit slopes of 15% or greater (before development) and that are at least

10,000 square feet in size. Areas of slope are considered to be contiguous if they are located within 50 feet of each other.

(B) Applicability

- (1) The Soils and Geology Report (Section 5.0210(C)) is required for any development in the HPCD as defined in subsection (A) above.
- (2) The provisions of the HPCD (Sections 5.0201 – 5.0227) apply to all development permit applications, with the following exceptions:
  - (a) An LDR-5, LDR-7, TLDR or TR dwelling lot. Only Section 5.0227 applies to an LDR-5, LDR-7, TLDR or TR dwelling building permit when it is on a lot located within a “Further Review Area”.
  - (b) Only Section 5.0221(A) applies where development, including future development such as a “left-over” parcel, does not include any area of the parcel with slopes of 15% or greater, or the Transition Area (as defined in Subsection (C) below).
- (3) Where there is a conflict between the standards of the underlying district or the Planned Development standards, and the standards of this HPCD, the standards of the HPCD shall apply. Where there is a conflict between the standards of the HPCD and the Habitat Conservation Area Overlay District, the standards of the Habitat Conservation Area Overlay District shall apply.

(C) Transition Areas

- (1) The purpose of Transition Areas is to identify situations in which development near a steeply sloped area could affect slope stability.
- (2) Transition Areas include those parcels or portions of parcels that:
  - (a) Are within 100 feet of a contiguous area that exhibits slopes of 15% or greater and that is at least 10,000 square feet in size; and
  - (b) Are shown on the Community Development Hillside Special Purpose District Map.
- (3) A Soils and Geology Report as described in Section 5.0210(C) shall be required for development on parcels within the Transition Area.

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

(E) Further Review Area – an area of land within which further site specific review should occur before land management or building activities begin because either the State Department of Geology and Mineral Industries or the State Forestry Department determines that the area reasonably could be expected to include sites that experience rapidly moving landslides as a result of excessive rainfall (ORS 195.250).

(F) Certified Engineering Geologist – any State of Oregon Registered Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705.

- (G) Geotechnical Engineer – a Professional Engineer, registered in the State of Oregon provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- (H) Landslide – any detached mass of soil, rock or debris that is of sufficient size to cause damage and that moves down a slope or a stream channel.
- (I) Rapidly Moving Landslide – a landslide that is difficult for people to outrun or escape.
- (J) Higher Landslide Risk Area – an area of land within which further site-specific review should occur before land management activities begin. These are areas originally identified by the State Department of Geology and Mineral Industries and the State Forestry Department as “Further Review Areas” (9/27/02).

## **Submittal Requirements**

### **5.0210 Submittal Requirements**

- (A) Slope Analysis Map (see Land Division and/or Site Design Review submittal requirements).
- (B) Hillside Slope Analysis Map.

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

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

- (1) Measurement of Area in Each Slope Category:
  - Slope categories shall be delineated as described in Section 5.0210(A). The boundary of each polygon delineating a slope area shall run perpendicular to slope along the 10-foot contour lines and parallel to slope between contour lines. The applicant shall determine the area of the parcel which lies within each of the slope categories listed under Section 5.0210(A).

The area within each slope category may be measured manually using a planimeter or calculated using a computer application. The land area of each polygon containing slopes of each of the above slope categories shall be expressed in square feet and labeled on the Slope Analysis Map. The Slope Analysis Map or application narrative shall include a table showing:

  - the summed area of each slope category within the parcel, excluding rights-of-way;
  - the summed area of each slope category within the proposed rights-of-way;
  - the summed area over 35% slope (before development) within buildable areas; and
  - the total area of the parcel.
- (2) The location of slopes of 35% or greater in relation to proposed rights of way, utilities, and buildable areas. This information may be provided on the Hillside Slope Analysis Map if

clearly readable, or on a separate map of the same scale as the Hillside Slope Analysis Map.

(3) The Transition Area as defined in Section 5.0202(C) above.

(C) A Soils and Geology Report prepared by a Certified Engineering Geologist or a Geotechnical Engineer. The purpose of the Soils and Geology Report is to evaluate the existing geologic condition of the subject parcel, particularly with respect to slope stability; evaluate the potential risks with respect to potential geologic hazards associated with development of the parcel; and provide guidelines to minimize the potential for earth movements and erosion, and to minimize impacts to the natural condition of the site. A Soils and Geology Report is required for sites in the HPCD as well as the Transition Area.

The Manager shall select and consult with a Geotechnical Engineer or Certified Engineering Geologist to evaluate the methodology, conclusions, and recommendations of the Soils and Geology Report regarding site conditions and potential geologic hazards. A Geotechnical Engineer shall be specifically consulted when there is a Geotechnical Report submitted. The consultant for the City shall conduct a site visit prior to submitting an evaluation to the City. The written evaluation and recommendation of the Soils and Geology Report from the City's consultant shall include an evaluation regarding the following:

- the completeness of the required elements of the Soils and Geology Report;
- the acceptability of the observations, procedure, and assumptions made; and
- the support of the conclusions and recommendations by evidence provided.

The written evaluation and recommendation of the Soils and Geology Report from the City's Consultant shall be received prior to a recommendation for a Type III process, or before a decision for a Type II process. Costs for such consultation shall be paid by the applicant, in accordance with the City of Gresham's Development Fee Resolution.

The Soils and Geology Report shall be of sufficient detail to describe the geologic conditions of the parcel and immediate vicinity and evaluate the potential geologic hazards associated with the parcel. At a minimum, the Soils and Geology Report shall be formatted to generally follow the outline below, and shall include the following:

(1) An Executive Summary in a format outlined and adopted by the Manager.

(2) General Information.

- (a) Client or party that commissioned the report.
- (b) Name(s) of Certified Engineering Geologist(s) or Geotechnical Engineer(s) who did the mapping and other investigation on which the report is based, and dates when the work was done.
- (c) Location and size of areas, and the general setting with respect to major or regional geographic and geologic features.
- (d) Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify level of the study, i.e., feasibility, preliminary, final, etc.
- (e) Topography and drainage within or affecting the area.
- (f) General nature, distribution, and abundance of exposures of earth materials within the area.
- (g) Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data shall be provided to allow a technical



reviewer the means of evaluating the reliability. Reference to cited works or field observations shall be made, to substantiate opinions and conclusions.

- (h) Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as buildings or utilities) in the immediate vicinity.
  - (i) Locations of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections and described in the text of the report. The actual data, or processed data upon which interpretations are based, shall be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.
  - (j) All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results.
  - (k) Disclosure statement of geologist's or engineer's financial interest, if any, in the project or the client's organization.
  - (l) The signature and seal of the Certified Engineering Geologist (Geologist) or Geotechnical Engineer (Engineer) who prepared the report.
- (3) Soils and Geology Mapping and Investigation. Geologic mapping and investigation of the parcel shall be completed in sufficient detail to describe the geology of the parcel, and evaluate and describe existing or potential geologic hazards associated with the parcel. The scope of the investigation and level of detail will depend in part of the size of parcel, slope, existing geologic conditions and hazards, and the proposed improvements. The description shall address:
- (a) Soil and rock types;
  - (b) Stratigraphy;
  - (c) Soil and rock properties;
  - (d) Geologic structure;
  - (e) Surficial expressions of potential geologic hazards;
  - (f) Groundwater conditions;
  - (g) Relevant surface and topographic features;
  - (h) Any geologic or topographic changes to the site between available published geologic maps (if used) from field observations;
  - (i) Seismic setting and seismic hazards; and
  - (j) The three-dimensional distribution of earth material exposed and inferred within the area. A clear distinction shall be made between observed and inferred features and relationships.

One or more appropriately positioned and scaled cross-section maps showing subsurface relationships may be used for descriptive purposes.

- (4) Soils and Geology Description. The report shall contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations shall be clearly stated. If any of the report items on the following checklist do not apply to the development, provide brief, but complete explanation. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, etc.). The following checklist, at a minimum, shall be used:

- (a) Bedrock
  - (i) Identification of rock types.
  - (ii) Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units.
  - (iii) Surface and subsurface expression, area distribution, and thickness.
  - (iv) Pertinent physical characteristics (e.g., color, grain size, nature of stratification, strength, variability).
  - (v) Distribution and extent of zones of weathering; significant differences between fresh and weathered rock.
  - (vi) Special engineering geologic characteristics or concerns (e.g., factors affecting proposed grading, construction, and land use).
  
- (b) Structural features – stratification, faults, discontinuities, foliation, schistosity, folds
  - (i) Occurrence, distribution, dimensions, orientation, and variability, both within and projecting into the area.
  - (ii) Relative ages, where pertinent.
  - (iii) Special features of faults (e.g., topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit and oldest unfaulted unit).
  - (iv) Other significant structural characteristics or concerns.
  
- (c) Surficial deposits – alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as cinders and ash), and fill
  - (i) Identification of material, grain size, relative age, degree of activity of originating process.
  - (ii) Distribution, dimensional characteristics, variations in thickness, degree of soil development, surface expression.
  - (iii) Pertinent physical or chemical features (e.g., color, grain size, lithology, compactness, cementation, strength, thickness, variability).
  - (iv) Special physical or chemical features (e.g., indications of volume changes or instability, such as expansive clays or peat).
  - (v) Other significant engineering geologic characteristics or concerns.
  
- (d) Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on the site, as well as impacts of soil movement on receiving streams. Indicate how conditions may be affected by variations in precipitation, temperature, etc.
  - (i) Distribution, occurrence, and variations (e.g., drainage courses, ponds, swamps, springs, seeps, aquifers).
  - (ii) Identification and characterization of aquifers, depth to groundwater and seasonal fluctuations, flow direction, temperature, etc.
  - (iii) Relationships to topographic and geologic features.
  - (iv) Evidence for earlier occurrence of water at localities now dry (e.g., vegetation, mineral deposits, historical records).
  - (v) Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects of proposed modifications on future hydrologic processes.

- (e) Seismic considerations
  - (i) Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk.
  - (ii) Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone).
  - (iii) Probable response of site to likely earthquakes (estimated ground motion).
  - (iv) Potential for area to be affected by earthquake-induced landslides or liquefaction.
  - (v) Potential for area to be affected by regional tectonic deformation (subsidence or uplift).
  
- (5) Assessment. Assessment of existing soils and geologic conditions with respect to the intended use of the site constitutes the principal contribution of the report. It involves (1) the effects of the soils and geologic features upon the proposed grading, construction, and land use; and (2) the effects of the proposed modifications upon future geologic conditions and processes in the area. The following checklist includes, at a minimum, the topics that shall be considered in discussions, conclusions, and recommendations in the Soils and Geology Report:
  - (a) General suitability of proposed land use to the soils and geologic conditions.
    - (i) Areas to be avoided, if any, and mitigation alternatives.
    - (ii) Topography and slope.
    - (iii) Stability of geologic units.
    - (iv) Flood inundation, erosion, and deposition.
    - (v) Problems caused by geologic features or conditions in adjacent properties.
    - (vi) Other general problems.
  
  - (b) Identification and extent of known or probable geologic conditions that may result in risk to the proposed land use (such as flood inundation, shallow groundwater, surface and groundwater pollution, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction).
  
  - (c) Recommendations for site grading.
    - (i) Prediction of what materials and structural features will be encountered in proposed cuts.
    - (ii) Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses.
    - (iii) Excavation considerations (hard or massive rock, groundwater flows).
    - (iv) General considerations of proposed fill masses in canyons or on sidehills.
    - (v) Suitability of on-site material for use as compacted fill.
    - (vi) Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes.
    - (vii) Recommendations for vegetation removal and revegetation for erosion control and slope stabilization.
    - (viii) Recommendation as to how the site can be developed in a manner that minimizes site disturbance. Measures to be taken to stabilize slopes, minimize soil erosion, and revegetate areas where the natural vegetative cover will be removed shall be included. Such measures shall be, at a minimum, consistent with the guidance and requirements presented in the City's Erosion Prevention

and Sediment Control Manual, and current erosion control and slope stability engineering practices. It may be necessary to describe and evaluate alternative site development scenarios in order to explain how the proposed development represents minimal impacts.

- (ix) Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall and/or erosion protection on cut slopes.
- (d) Drainage considerations.
- (i) Soil permeability.
  - (ii) Protection from sheet flood or gully erosion, and debris flows or mud flows.
  - (iii) This section shall include findings and recommendations for the developed hydrologic conditions, as proposed, including treatment and detention facilities, complying with the City's Water Quality Manual. If infiltration facilities are proposed, the findings and recommendations shall include the effect of the facilities on slope stability.
- (e) Limitations of study, and recommendations for additional investigations. Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work, such as (but not limited to):
- (i) Borings, test pits, and/or trenches needed for additional geologic information.
  - (ii) Percolation tests needed for design.
  - (iii) Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer.
  - (iv) Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, etc.).
- (6) Where any development is proposed on slopes of 35% or greater, or where any development is proposed in areas designated as "Higher Risk Landslide Areas", as mapped on the Hillside Physical Constraint District Map, the following is required:
- (a) A specific Geotechnical Report for those slopes of 35% or greater that are being disturbed, or for those sites located within "Higher Risk Landslide Areas", and a narrative which describes:
    - (i) the proposed construction methods to be followed to mitigate landslides, or other forms of earth movements, minimize erosion and maintain slope stability;
    - (ii) how the proposed construction and design techniques will minimize cuts, fills and potential adverse impacts to existing vegetation and have no adverse impacts to existing drainage ways, water quality and slope stability.
  - (b) A statement that the Geotechnical Engineer has reviewed the submitted grading plan and that, in the opinion of the Geotechnical Engineer, the plan was prepared in conformance with the recommendations contained in the Geotechnical Report and the geotechnical requirements contained herein.
  - (c) The signature and seal of the Geotechnical Engineer who prepared the report.
- (7) Inspection schedule for the installation of the grading, drainage, and erosion control measures.

- (8) Summary of findings and recommendations. Opinions and recommendations shall be described in a manner that would allow them to be implemented through conditions of approval on the proposed development.
- (9) Conclusion on the overall suitability of the site for the proposed development.

(D) Preliminary Grading Plan.

In addition to any other grading plan required by Section 9.0500, the applicant shall submit a preliminary grading plan showing all areas to be cut, filled or cleared for:

- roads and sidewalks
- utilities
- building envelopes or pads (buildable areas)
- driveways and other accessways
- other improvements

The grading plan shall clearly indicate the limit of the grading and the square footage of all areas planned to be graded, cleared or otherwise disturbed. The total square footage shall be summed and expressed as a percentage of the total area of the parcel. Grading area limitations are described in Section 5.0223.

(E) Summary Narrative.

A summary narrative of applicant responses to the requirements of the HPCD Development Standards (Sections 5.0221 – 5.0227).

## **Development Standards**

### **5.0220 DEVELOPMENT STANDARDS**

#### **5.0221 Lot Development Standards**

- (A) For parcels in the HPCD, the minimum and maximum number of permitted units shall be as follows:
  - (1) The maximum number of permitted units: that permitted by the underlying district for the portions of the site that have slopes less than 15%.
  - (2) The minimum number of required units: that required by the underlying district for the portions of the site that have slopes less than 15%.
  - (3) No density credit is permitted for portions of the site that have slopes 15% or greater, or for portion of the site within a Habitat Conservation Area Overlay District, except as provided in subparagraph (4) below.
  - (4) The maximum number of permitted units for the site can be increased through a Planned Development, as provided by Section 6.0300.
- (B) The site development requirements of the underlying land use district, except as provided in Subsections 5.0221(A) and 5.0202(B) above, shall apply.
- (C) Each residential lot shall have a minimum, contiguous “buildable area”, as defined in Section 5.0202(D), of 50% of the lot or 2,000 square feet, whichever is less.

- (D) Lots in the LDR-5, LDR-7, TR and TLDR Districts that are entirely within the HPCD are exempt from the Safe Neighborhood Design Performance Standards of Section 4.0132(D).
- (E) A Geotechnical Report and structural engineering design is required for any building permit submittal on individual lots in the LDR-5, LDR-7, TLDR and TR Districts, which had native slopes (prior to development) of 35% of greater.

#### **5.0222 Development on Slopes Greater than 35%**

Limited development on slopes of greater than 35% (before development) may be permitted, as supported by Section 5.0210(C)(5), for the following purposes:

##### **(A) Public Facilities and Utilities**

- (1) Public facilities (including streets) and utilities may be allowed on slopes greater than 35% (before development), if designed such that these improvements avoid slopes exceeding 35% (before development) to the maximum extent possible. Public streets or accessways may be developed on slopes over 35% (before development) if the street location is necessary to provide street connectivity or for emergency vehicle access. Construction of public streets shall comply with maximum grades as specified in the Gresham Public Works Standards.
- (2) Public facilities (including streets) and utilities may be constructed as described above if the following specific determination is made in the Soils and Geology Report:
  - (a) That these facilities can be constructed given the geologic condition of the area of development; and
  - (b) That these facilities can be constructed in a manner to minimize the potential for earth movement and erosion.

##### **(B) Open Space Development**

Open spaces and conservation easements may be improved with public or private walking/hiking trails, or with public or private multi-use paths, subject to the determinations in the Soils and Geology Report described in 5.0222(A)(2). Public trails or paths shall be limited to public open spaces, and private trails or paths shall be limited to private open spaces and conservation easements.

##### **(C) Preservation of Slopes Greater than 35%**

All areas exhibiting slopes of 35% or greater (before development), not developed under Subsection 5.0222(A), (D) and (F), shall be preserved by easement (public or private). If preservation is proposed to be private, it can be either by tract or as a part of an individual lot (with the easement overlay). Public preservation shall be by tract only. Easement types shall be conservation, open space, or public trail easements, in accordance with Section 9.0300. The type of easement appropriate for preservation of the excessively steep slopes shall be at the discretion of the Manager. Acceptance of proposed dedication of open space shall be at the City's discretion. Any proposal to dedicate open space shall be in accordance with Section 5.0500.

##### **(D) Lots of Record**

- (1) Legal lots of record may be improved with a maximum of one dwelling unit on slopes over 35% (before development) with a finding that there is not a sufficient, and accessible, land area on less than 35% slope (before development) for the proposed dwelling.

- (2) Legal lots of record with less than 10,000 square feet of land exhibiting slopes less than 15%, may be improved with a maximum of one dwelling unit without processing a Planned Development, in accordance with Section 6.0300.

(E) Lot Building Area

- (1) All lots shall have a “buildable area” as defined in Section 5.0202(D). No building area shall include slopes greater than 35% (before development), except as provided in Section 5.0222(F).
- (2) The impacts of any driveway crossing slopes of 35% or greater (before development) are addressed in the geotechnical portion of the Soils and Geology Report (Section 5.0210(C)(5)).

(F) Lot Building Area (Restricted to PDs)

- (1) A lot building area may include slopes (before development) greater than 35% up to 60% only when the PD is 10 acres or more in size.
- (2) No more than 30 percent of the net land area where slopes (before development) are greater than 35% up to 60% slopes within the PD may be included within lot building areas.
- (3) No lot building area shall include land which exceeds 60% slope (before development).
- (4) The findings of the applicable sections of the Specific Reports of Section 5.0210, as well as the analysis of these reports, indicate that: these sloped areas of 35%-60% (before development) are not susceptible to earth movement or landslide hazard; and the proposed construction and design techniques will minimize cuts, fills and potential adverse impacts to existing vegetation and have no adverse impacts to existing drainage ways, water quality and slope stability.

### **5.0223 Minimizing Site Disturbance**

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

- (A) No more than 35% of the total site of the area exhibiting slopes of 15% or greater (before development), shall be graded, cleared or otherwise disturbed. Except that one additional percentage of land may be disturbed for each percentage of land dedicated to open space above the minimum required in Section 6.0324 (i.e. – 40% [35%+5%] of the total site over 15% slope may be disturbed if a minimum of 30% [25%+5%] open space is dedicated). For individual single-family dwelling building permits, see Section 5.0202(B)(2)(a).

In order to meet this requirement, applicants are encouraged to pursue innovative site design techniques such as:

- Limiting grading on building lots only to that area needed for driveways and building pads;
- Limiting the total area of the site dedicated to roadways while maintaining adequate connectivity and providing for adequate emergency access consistent with the roadway standards;
- Locating roads on less steeply sloped areas to minimize the width of graded areas needed for roads;
- Designing and locating structures so that they fit into the contour of the hillside rather than altering the hillside to fit the structure;

- Using retaining structures as an alternative to banks of cuts and fills;
- Building designs, which require less grading, such as split-level and stair-stepping foundations and the use of piers;
- Placing structures as close as possible to the street so as to minimize driveway construction in the sloped areas; and
- Focusing development on slopes less than 15%.

(B) Hillside Grading and Drainage Control

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

- (1) All grading, retaining wall design, drainage, and erosion control for development on HPCD lands shall be designed by a Registered Civil Engineer in accordance with the recommendations and guidelines provided in the Soils and Geology Report, as approved by the Manager. All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures shall conform to Section 9.0514.
- (2) For developments other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances on slopes of 15% or greater, shall only occur from May 31 to October 1. Wet-weather erosion control measures shall be installed and functional by October 1. The time period for land disturbance activities may be extended (either earlier than May 31 or later than October 1) by the City's Engineer after approval by the Stormwater Manager or designee, based on the recommendations of the Soils and Geology Report, with the concurrence from the City's consulting engineer. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.
- (3) Revegetation requirements. Where required by this Section, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, acceptance of public facilities, or other time as determined by the Manager.
- (4) Inspections and Final Report. Prior to the acceptance of public facilities or issuance of a building permit for a structure, the developer's engineer of record shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per Section 5.0210(C)(6), were conducted by the engineer of record periodically throughout the project.

**5.0224 Shared Driveways**

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

- (A) Shared driveways shall provide primary vehicle access to no more than four residences and shall not exceed 150 feet in length, unless approved by the Gresham Fire Department;
- (B) Shared driveways shall not exceed a slope of 15%. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatment and embedded heating systems;
- (C) Shared driveways shall not be less than 15 feet wide.



- (D) Deed restrictions shall be recorded for general maintenance of the condition of the shared portion of the driveways, and for keeping the shared portions of the driveways clear of parked vehicles or other obstructions.

#### **5.0225 Trees and Vegetation**

Trees and vegetation shall be maintained on site in order to provide protection against soil erosion and earth movement as well as to protect the aesthetic value of those hillside areas that may be highly visible to the surrounding community. Any proposed tree removal shall comply with the provisions of Section 9.1000, including no tree removal on slopes over 15% (before development) that results in clear cutting, as defined in Section 3.0100, except as follows:

- (A) The removal of existing trees with a circumference of 25” or greater shall be limited to and within 10 feet of those areas required for the grading of roads, driveways, utilities, and the preliminary grading area for building pads. Tree removal that is confined to the approved grading plan (up to the grading limitations of Section 5.0223(A)) shall not constitute “clear cutting” as defined in Section 3.0100.
- (B) A Vegetation/Revegetation Plan to stabilize slopes and minimize soil erosion is required based on the findings and recommendations in the Soils and Geology Report. The Vegetation/Revegetation Plan shall be prepared by a licensed Landscape Architect registered in the State of Oregon, and shall discuss any special measures proposed to protect water resources on or near the site for areas identified as particularly highly susceptible to erosion. Temporary erosion control measures, as they relate to construction activity, shall be, at a minimum, consistent with the guidance and requirements presented in the City’s Prevention and Sediment Control Manual, and current erosion control and slope stability engineering practices. Revegetated areas shall be continuously maintained until vegetation is established. The maintenance of the revegetation shall be included as part of the Public Facilities Maintenance Bond.

#### **5.0226 Surface and Groundwater Drainage**

All facilities for the collection of stormwater runoff for any development in the HPCD shall be required to be constructed on the site and in accordance with Section 9.0500 and the following requirements:

- (A) Stormwater facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.
- (B) Stormwater facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.
- (C) Stormwater facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.
- (D) Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.
- (E) Flow-retarding devices, such as detention ponds and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.
- (F) Stormwater facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.

- (G) Alternate stormwater systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a Registered Civil Engineer in accordance with the recommendations and guidelines provided in the Soils and Geology Report, as approved by the Manager.

### **5.0227 Development in “Further Review Areas”**

The purpose of this section is to prevent the loss of human life and damage to property associated with “Rapidly Moving Landslides.”

This section applies only to the siting of dwellings and other structures inside a “Further Review Area.” This section does not apply to agricultural buildings or repair and maintenance of structures exempt from building codes under ORS 455.310.

- (A) **Assessment of Hazard.** A Soils and Geology Report shall be submitted, in accordance with Section 5.0210(C), with a building permit.
- (B) **Geotechnical Report.** A Geotechnical Report, in accordance with Section 5.0210(C)(5), shall be submitted for all land developments other than building permits. For building permits, a Geotechnical Report shall be submitted if the Soils and Geology Report recommends said report.

All Geotechnical Reports shall be submitted for review to the Oregon Department of Geology and Mineral Industries (DOGAMI). Comments from DOGAMI for land use developments shall be submitted with the development application.

- (C) **Development Permitting.**
  - (1) **No building permit shall be issued without a Soils and Geology Report.** If a Geotechnical Report is recommended in the Soils and Geology Report, the report shall be submitted for review to DOGAMI. DOGAMI shall have the opportunity to provide comments to the City during the normal review of the building permit.
  - (2) **Alternative Siting and/or Mitigation.**
    - (a) If an alternative site does not require mitigation and is available, the owner shall construct on the alternative site, if relocating does not exceed \$20,000. If relocating costs exceed \$20,000, the property owner may construct on the alternative site; or construct on the original site and implement recommended mitigation measures. Mitigation costs shall not exceed \$10,000.
    - (b) If the alternative site requires mitigation, the owner has the option to site the structure in the alternative location if the cost of mitigation does not exceed \$10,000. The combined relocation and mitigation costs shall not exceed \$20,000.
    - (c) If mitigation for the alternative site exceeds \$10,000, the property owner may construct at the original site even if the recommended mitigation at the original site exceeds \$10,000. The required mitigation under this option shall not exceed \$10,000.
    - (d) Nothing in this section prohibits a property owner from constructing a dwelling or other structure on the lot or parcel and agreeing to pay mitigation costs that exceed the amounts established under this section.

- (D) Disclaimer Notice Procedure. A landowner allowed a building permit under this section (Section 5.0227) shall sign a statement that shall:
- (1) Be recorded with the Multnomah County Clerk, in which the landowner acknowledges that the landowner may not in the future bring any action against an adjacent landowner about the effects of rapidly moving landslides on or adjacent to the landowner's property; and
  - (2) Record in the deed records for Multnomah County a nonrevocable deed restriction that the landowner signs and acknowledges, that contains a legal description complying with ORS 93.600 and that prohibits any present or future owner of the property from bringing any action against an adjacent landowner about the effects of rapidly moving landslides on or adjacent to the property.

# **Section 5.0300**

## **Historic and Cultural Landmarks Overlay District**

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### General

5.0301 Introductory Provisions

### Permitted Uses

5.0310 Permitted Land Uses

### Development Requirements

5.0320 Dimensional Development Standards and Non-Conforming Signs

5.0321 Review of Proposed Alterations Affecting the Exterior Appearance of Landmarks

5.0322 Review of Proposed Demolition of Landmark Buildings

5.0323 Review of Proposed Actions Affecting Landmark Objects

5.0324 Discovery of Archaeological Objects and Sites North of Interstate 84

## **General**

### **5.0301 Introductory Provisions**

The purpose of the Historic and Cultural Landmarks Overlay District is to identify resources which have been designated as landmarks in the Inventory of Historic and Cultural Landmarks, adopted as an appendix to the Community Development Plan. Parcels on which an inventory landmark is located shall be designated HL on the Community Development Special Purpose District Map. It is also the purpose of this district to regulate certain actions affecting these landmarks with the intent of substantially protecting and preserving those characteristics which make the landmark a visible link to the heritage of the community and enhance the quality of life for all residents of Gresham.

## **Permitted Uses**

### **5.0310 Permitted Land Uses**

Uses permitted in the HL Overlay District shall be those listed as permitted in the underlying district designated on the Community Development Plan Map for the site.

## **Development Requirements**

### **5.0320 Dimensional Development Standards and Non-Conforming Signs**

Dimensional standards relating to site development, including minimum lot size, minimum yard setbacks, and maximum building height shall be as specified for the underlying Plan Map District designation. However, landmark structures which are non-conforming as to setbacks or building height, and for which reconstruction of damaged or deteriorated portions is proposed, may be reconstructed to match dimensions existing prior to the damage or deterioration. In addition, non-conforming signs that are attached to a landmark structure may be retained and shall not be subject to provisions of Section A6.080 concerning removal of non-conforming signs.

### **5.0321 Review of Proposed Alterations Affecting the Exterior Appearance of Landmarks**

Prior to issuance of a building permit for proposed alterations affecting the exterior appearance of a Class 1 landmark, the Historic Resources Advisory Committee and the hearing body under the Type III procedure shall review the proposal and act to approve, approve with modifications, or prohibit the proposed alteration. However, reconstruction of a Class 1 landmark which has been accidentally damaged or destroyed may be permitted by the Manager without review by the Committee or the hearing body when plans submitted by the owner clearly indicate that the structure will be reconstructed to match its appearance prior to the accident. A proposed alteration shall be approved or approved with modifications only upon finding conformance with the following standards:

- (A) The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships shall be avoided.
- (B) A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- (C) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- (D) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (E) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- (F) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (G) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (H) Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (I) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (J) Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

### **5.0322 Review of Proposed Demolition of Landmark Buildings**

(A) Prior to the issuance of a demolition permit for a Class 1 or Class 2 landmark building, the Historic Resources Advisory Committee and the hearing body under the Type III procedure shall review the proposal and act to approve, approve with modifications, or delay the proposed demolition for a period of up to 180 days from the time of the Committee's initial consideration of the proposal. In delaying issuance of a demolition permit, it must be found that such delay would result in a genuine effort which would have a reasonable chance of success to preserve the building, and that:

- (1) The resource is of such architectural, historic, or scenic interest that its demolition would be detrimental to the public interest; or

- (2) The resource is of such interest or significance that it is or could be included in the National Register of Historic Places; or
  - (3) The resource has such unusual design, texture, or material characteristics that it could not be reproduced, or could be reproduced only with great difficulty or expense; or
  - (4) Retention of the resource would aid substantially in the preservation of another landmark resource or in preservation of the character of the adjacent area.
- (B) When action is taken to approve a proposed demolition as proposed or as modified, a demolition permit shall be withheld pending expiration of the appeal period specified in Section 11.0500.

### **5.0323 Review of Proposed Actions Affecting Landmark Objects**

Proposed alterations affecting a non-building landmark, such as a monument, milepost, or other object, shall be submitted to the Historic Resources Advisory Committee and the hearing body for review and approval prior to such alteration, pursuant to Section A4.003. In addition to alterations and actions requiring a building permit, provisions of this section shall apply to proposals to remove, relocate, or otherwise alter the outward appearance of the object. A decision on a proposed alteration or other action affecting a landmark object shall be based on the following criteria:

- (A) Whenever possible, the object shall remain on the same parcel where it was located at the time of its designation as a landmark; relocation to another parcel may be permitted when reliable evidence is submitted indicating that the object's original location was on a parcel other than its current location.
- (B) Alterations or other actions which maintain or increase the visibility of the object shall be encouraged.

### **5.0324 Discovery of Archaeological Objects and Sites North of Interstate 84**

In addition to specific landmark resource objects and sites identified in the Inventory of Historic and Cultural Landmarks, all property within the City lying north of Interstate Highway No. 84 shall be designated as a Historic and Cultural Landmarks Overlay District due to the likelihood of discovering archaeological sites and objects in this area. Within this area, the following provisions shall apply to development activities when archaeological sites or objects are discovered:

- (A) When an archaeological site or object is discovered during the course of any development activity, the property owner or his agent, employees, or contractors on the site shall notify the Manager immediately and development activity on the site shall be suspended.
- (B) Following receipt of notice of discovery of an archaeological site or object, the Manager shall order all development activity on the site to be halted for at least ten days.
- (C) Within five days after being notified of discovery of an archaeological site or object, the Manager shall furnish written notice, describing the location of the site and the nature of the items discovered, to the following parties:
  - (1) Department of Land Conservation and Development;
  - (2) State Historic Preservation Office;
  - (3) The Grande Ronde and Siletz Indian Tribal Council;
  - (4) Commission on Indian Services;
  - (5) Confederated Tribes of the Warm Springs Indian Reservation.
- (D) If no written response is received by the Manager from any of the parties listed in Section 5.0324(C) within fifteen days after mailing notice of the discovery, the Manager shall permit the suspended development activity to resume in conformance with the development permit issued for the activity.

- (E) Based on responses received from the notice required by Section 5.0324(C), the Manager may require that the owner retain the services of a qualified archaeologist to investigate the site, and prepare a report concerning the nature and significance of the site and any objects discovered. Pending completion of this investigation and report, all development activity on the site shall be suspended, provided such suspension shall not exceed a period of 30 days from the date a qualified archaeologist is engaged to conduct the investigation and prepare the report. When required, an archaeologist's report shall include the following items:
- (1) A description of the nature and significance of artifacts or other evidence of prehistoric activities discovered on the site, approximate boundaries of the archaeological site, and an analysis of the quality and quantity of the site and objects discovered.
  - (2) An analysis of conflicting uses and the economic, social, environmental, and economic (ESEE) consequences of protecting the archaeological site, allowing conflicting uses fully, or limiting conflicting uses, in conformance with OAR 660-016-0005.
  - (3) Recommendations as to whether the pending development activity should proceed as proposed, or proceed with limitations or modifications, or be discontinued.
- (F) If the Manager finds, based on evidence presented in the archaeologist's report, that the archaeological site lacks significance or that protection of the site is not warranted based on the ESEE analysis, the Manager shall permit the suspended development activity to resume in conformance with development permits issued by the City, and subject to conformance with applicable state statutes regarding archaeological sites and objects.
- (G) If the Manager determines, based on evidence presented in the archaeologist's report, that the archaeological site is significant and that some degree of protection is warranted, based on the ESEE analysis, the Manager shall make findings as to measures which may be required to reduce or eliminate adverse impacts to the archaeological site, and may require issuance of an amended development permit prior to the resumption of development activity on the site. Such measures may include any of the following alternatives:
- (1) Redesigning the proposed development so it would avoid the archaeological site;
  - (2) Leaving the archaeological site in its natural condition;
  - (3) Burial or other non-destructive covering of the archaeological site.
- (H) An application for an amended development permit which may be required under Section 5.0324 shall be submitted and processed under the same procedure as for the development activity which was in progress at the time of discovery of the archaeological site or object.
- (I) When the Manager determines that an archaeological site is significant, pursuant to Section 5.0324, the Manager shall propose amendment of the Inventory of Historic and Cultural Landmarks and the Community Development Special Purpose District Map to include a description of the site and the ESEE analysis in the Inventory and to designate the site as a Historic and Cultural Landmarks special purpose district. Such proposal shall be processed as a Type IV procedure, and pursuant to provisions of Section A4.002.
- (J) No provision of this section shall relieve an applicant or landowner of any relevant State or Federal statute or responsibility.

**Section 5.0400**  
**HABITAT CONSERVATION AREA (HCA) OVERLAY**  
**DISTRICT**

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|                |   |
|----------------|---|
| Section 5.0401 | Intent  |
| Section 5.0402 | Applicability                                       |
| Section 5.0403 | Exempt Uses and Conditioned Activities              |
| Section 5.0404 | Prohibitions  |
| Section 5.0410 | Construction Management Plans                       |
| Section 5.0411 | Specific Development Standards                      |
| Section 5.0412 | Alternative Discretionary Development Standards     |
| Section 5.0413 | Variances   |
| Section 5.0414 | Map Administration and HCA Verification             |
| Section 5.0415 | Consistency and Relationship with Other Regulations |
| Section 5.0416 | Violations  |
| Section 5.0417 | WQRA, Water Quality Resource Area                   |

**Section 5.0401 Intent**

The purpose of this Overlay is to comply with Section 4 of Title 13 of Metro’s Urban Growth Management Functional Plan.

- A. To protect and improve the following functions and values that contribute to fish and wildlife habitat in urban streamside areas:
  - 1. Microclimate and shade;
  - 2. Stream-flow moderation and water storage;
  - 3. Bank stabilization, sediment and pollution control;
  - 4. Large wood recruitment and retention and channel dynamics; and
  - 5. Organic material sources.
  
- B. To protect and improve the following functions and values that contribute to upland wildlife habitat in new urban growth boundary expansion areas:
  - 1. Large habitat patches
  - 2. Interior habitat
  - 3. Connectivity and proximity to water; and



4. Connectivity and proximity to other upland habitat areas
- C. To establish High, Moderate, and Low Habitat Conservation Areas (HCA) to implement the performance standards of Title 13 of the Urban Growth Management Functional Plan.
- D. To provide clear and objective standards and a discretionary review process, applicable to development in Habitat Conservation Areas, in accordance with Statewide Land Use Planning Goal 5.
- E. To allow and encourage habitat-friendly development, while minimizing the impact on fish and wildlife habitat functions.
- F. To provide mitigation standards for the replacement of ecological functions and values lost through development in Habitat Conservation Areas.

#### **Section 5.0402 Applicability**

- A. This Overlay applies to all properties containing mapped Habitat Conservation Areas (HCA).
- B. All applicants must provide Construction Management Plans, in accordance with Section 5.0410 of this Overlay.
- C. Where applicants are proposing development entirely outside of the HCA, but within 50 feet of its boundary, applicants must verify this boundary through the procedures outlined in Section 5.0414 of this Overlay.
- D. Where applicants are proposing development within the HCA, they must comply with the Development Standards found in Section 5.0411 and Section 5.0412 of this Overlay, and the Map Verification procedures found in Section 5.0414 of this Overlay. Conditioned Uses, and Activities that are exempt from these requirements, may be found in Section 5.0403 of this Overlay.
- E. Applicants proposing to partition or subdivide properties containing HCA must comply with the partition and subdivision standards found in Section 5.0411(F) of this Overlay, or the Discretionary standards in Section 5.0412 of this Overlay; as well as the Map Verification procedure in Section 5.0414 of this Overlay.
- F. The Development Standards found in Sections 5.0411 and 5.0412 of this Overlay do not apply to development that occurs entirely outside of any portion of the HCA.
- G. The requirements of this Overlay apply in addition to other applicable local, state, regional, and federal development requirements, including those for Water Quality Resource Areas and Flood Management Areas; except that:
  1. Applicants using the discretionary review process in Section 5.0412 of this Overlay or the specific development standards of Section 5.0411 that apply to “high value” HCAs (regardless of habitat value), do not need to engage in any additional review process for the WQRA, Water Quality Resource Area (Note: The WQRA is defined in Section 5.0417); and

2. This overlay shall not impose additional mitigation requirements for wetlands that exceed the mitigation ratios or functions required by federal and state law.
- H. “Development,” “Partition,” and “Subdivision” are defined in Article 3 of the Gresham Community Development Code.
- I. A wetland identified during the course of a development permit review that meets the State of Oregon’s definition of a “Locally Significant Wetland” shall be subject to the standards of this overlay. Such wetlands shall be added to the HCA map by the Manager, under the Type 1 procedure, after the development permit becomes final.

### **Section 5.0403 Exempt Uses and Conditioned Activities**

The following uses and activities are exempt from the requirements of this Overlay District:

- A. Change of ownership.
- B. Where construction of a residence was completed before January 1, 2006, the owners or residents shall not be restricted from engaging in any development that was allowed prior to September 22, 2005; unless such development required obtaining a land use decision, or a building, erosion control, or grading permit.
- C. A building permit for a phased development project for which the applicant has previously met the application requirements, so long as the site for new construction was identified on the original permit and no new portion of the HCA will be disturbed.
- D. Where a property has been subdivided under subsection 5.0411(F) of this overlay, and the mitigation requirements of subsection 5.0411(E) (and, if appropriate, subsections 5.0412(B) and (C)) have been completed for the subdivision, development on the individual lots may proceed without further review under this overlay. Similarly, where a property has been subdivided under subsection 5.0412(D) of this overlay, and the mitigation requirements of subsection 5.0412(D) have been completed for the subdivision, development on the individual lots may proceed without further review under this overlay.
- E. Limited types of development, redevelopment, operations, and improvements, including the following:
1. Maintenance, alteration, expansion, repair and replacement of existing structures provided that the building footprint is not increased.
  2. The alteration, expansion, or replacement of existing structures, provided that:
    - a. The alteration, expansion, or replacement of a structure will not intrude more than 500 sq. ft. into the HCA in addition to the area defined as the building footprint as of January 1, 2006; and
    - b. The new intrusion into the HCA is no closer to the protected water feature than the pre-existing structure or improvement.

3. Minor encroachments not to exceed 120 sq. ft. of impervious surface such as accessory buildings, eave overhangs, exterior building improvements for access and exiting requirements, or other similar features.
  4. Temporary and minor clearing not to exceed 200 square feet for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete.
  5. Maintenance of existing gardens, pastures, lawns and landscape perimeters, including the installation of new irrigation systems within existing gardens, pastures, lawns, and landscape perimeters.
  6. Removal of plants identified as nuisance or prohibited plants on the City of Gresham Native Plant List and the planting or propagation of plants identified as native plants on the City of Gresham Native Plant List. Unless being conducted by City staff or their representatives, handheld tools must be used to remove nuisance or prohibited plants, and after such removal all open soil areas greater than 25 square feet must be replanted.
  7. Maintenance, alteration, repair, and replacement of roads and utilities when no additional incursion into the HCA is proposed.
  8. Maintenance and repair of existing streets, railroads, shipping terminals, and utilities within rights-of-way, easements, and access roads.
  9. Existing water-dependent uses that can only be carried out on, in, or adjacent to water because they require access to the water for waterborne transportation or recreation.
  10. Operation, maintenance, and repair of manmade water control facilities such as irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and stormwater pretreatment facilities.
  11. Projects with the sole purpose of restoring or enhancing wetlands, streams, or fish and wildlife habitat areas, provided that the project is part of an approved local, state, or federal restoration or enhancement plan.
  12. Low-impact outdoor recreation facilities for public use, outside of Water Quality Resource Areas, including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture, provided that the facility meets the following requirements:
    - a. It contains less than 500 sq. ft. of new impervious surface; and,
    - b. Its trails shall be constructed using non-hazardous, pervious materials, with a maximum width of four feet.
    - c. Its trails are located outside the WQRA section of the HCA or the Class I riparian habitat area, whichever results in the greatest distance from the stream or wetland.
- F. Emergency procedures or activities undertaken which are necessary to remove or abate hazards and nuisances or for the protection of public health, safety and welfare; provided that such remedial or

preventative action must take place within a timeframe too short to allow for compliance with the requirements of this Overlay. After the emergency, the person or agency undertaking the action shall fully restore any impacts to the HCA resulting from the emergency action. Hazards that may be removed or abated include those required to maintain aircraft safety.

- G. Multnomah County Drainage District - Within Habitat Conservation Areas located in Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2, and the area managed by the Sandy Drainage Improvement Company, routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, shall be allowed, provided that:
1. The project is consistent with all other applicable local, state, and federal laws and regulations;
  2. The project does not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;
  3. Disturbed areas are replanted with vegetation and no bare soils remain after project completion; the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; invasive non-native or noxious vegetation shall not be planted; and,
  4. Each district submits an annual report, to all local permitting agencies in which the district operates, describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.
- H. Utility service using a single utility pole or where no more than 100 sq. ft. of ground surface is disturbed outside of the top of bank of water bodies and where the disturbed area is restored to the pre-construction conditions.
- I. Boundary and topographic surveys leaving no cut scars on trees greater than three inches in diameter.
- J. Measures mandated by the City of Gresham to remove or abate a nuisance or hazardous conditions.
- K. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the City of Gresham Native Plant List), and the removal of refuse or fill, provided that:
1. All work is done using hand-held equipment;
  2. No existing native vegetation is disturbed or removed;
  3. All work occurs outside of wetlands and the tops of banks of streams;
  4. The work is pre-approved by the City through the Type 1 development permit procedure.

#### **5.0404 Prohibitions**

- A. The planting of any invasive non-native or noxious vegetation is prohibited within the HCA.
- B. Outside storage of materials is prohibited within the HCA, unless such storage began before the effective date of this Overlay; or, unless such storage is approved during development review under either Section 5.0411 or Section 5.0412 of this Overlay.
- C. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) or that is part of a regulated use that is approved with an HCA permit. Note: Gardens and lawns within the HCA prior to the effective date of the overlay are allowed to continue but cannot expand further into the HCA.
- D. The dumping of materials of any kind is prohibited.
- E. Unless part of an approved HCA development permit, grading, placement of fill or the removal of native vegetation within the HCA is prohibited.

#### **5.0410 Construction Management Plans**

In order to ensure that trees and vegetation within HCAs are not damaged during construction, all applicants, even those not developing within an HCA, shall provide a construction management plan that includes the following information:

- A. Location of site access and egress that construction equipment will use;
- B. Equipment and material staging and stockpile areas;
- C. Erosion and sediment control measures; and
- D. Measures to protect trees and other vegetation located within the HCA, but outside of the disturbance area approved under the provisions of Section 5.0411 or Section 5.0412 of this overlay.

Section 5.0410 applies to development on properties with an HCA and on properties within 100 ft. of an HCA overlay boundary on an adjacent property, including development that will stay outside of the HCA.

#### **5.0411 Specific Development Standards**

The development standards described in this section apply to all development and redevelopment that occurs entirely, or partially, within Habitat Conservation Areas, unless such development is exempt under Section 5.0403, or, unless the applicant chooses to follow the discretionary process in Section 5.0412 of this Overlay. This section also applies to subdivisions and partitions of properties that contain HCAs. An applicant may choose to use the mitigation standards of Section 5.0412 in lieu of the mitigation standards of this section.

Unless otherwise directed, development proposed within the HCA, that is not exempted, will be processed as a Type II development permit application. All applications must include the general development permit application items required by Section 11.0211 of the Gresham Community Development Code as a discussion of how the proposal meets all of the applicable HCA overlay standards.

- A. **Application Requirements.** Applications for a building permit or development permit must provide a development plan and accompanying narrative explanation that includes the following information in addition to any other building permit or development permit requirements. All of the application requirements must be met prior to approval of a building or development permit.
1. Applicants must verify the HCA on their property as described in Section 5.0414 of this Overlay. They must also submit a construction management plan as required by Section 5.0410.
  2. For the entire subject property (HCA and non-HCA), applicants must submit a scale map of the property that includes:
    - a. Location of all High, Moderate, and Low HCAs on the property;
    - b. Outline of any existing disturbance area, including the location of existing adjacent streets and paved areas, utilities, culverts, stormwater management facilities, or bridges;
    - c. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;
    - d. Location of 100 year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation;
    - e. Topography shown by contour lines of 2-ft. intervals for slopes less than 15% and by 10 ft. intervals for slopes 15% or greater. On properties that are two acres or larger, such a contour map is required only for the portion of the property to be developed; and
    - f. If applicable, the Hillside Physical Constraint Overlay and Flood Plain Overlay.
  3. Detailed site plan of proposed development outlining total disturbance area, including, proposed building footprints, site property improvements, utilities and landscaping.
  4. The following additional information shall be provided about the HCA:
    - a. For properties containing less than one acre of HCA, the location of all trees within the HCA that are greater than six inches diameter at breast height (DBH), shall be identified by size and species. For properties containing one acre or more of HCA, the applicant may approximate the number of trees and the diameter range, and provide a listing of the dominant species;
    - b. For proposed disturbance areas containing less than one acre of HCA, all trees with a diameter of six inches or greater that will be removed shall be specifically identified as to diameter at breast height (DBH) and species. For proposed disturbance areas containing one acre or more of HCA an approximate of the number of trees, their diameters and the dominant species;

- c. Provide the tree removal/protection data requirements of (B) through (G) of Section 9.1011.
  - d. If grading will occur within the HCA, a grading plan showing the proposed alteration of the ground at 1-ft. vertical contours in areas of slopes less than 5%, and 2-ft. vertical contours in areas of slopes 6-15%, and at 5-ft. vertical contours of slopes 15% or greater.
  - e. An outline of the disturbance area that identifies the vegetation to be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species.
- B. Methods for avoiding Habitat Conservation Areas. The following habitat-friendly development practices may be used to avoid or minimize development within HCAs by allowing flexible site design.
- 1. Building setback flexibility to avoid or minimize, development within HCAs. The minimum building setback of the base zone may be reduced to any distance between the base zone minimum and zero, unless this reduction conflicts with applicable fire or life safety requirements.
  - 2. Flexible landscaping requirements to avoid, or minimize, development within HCAs.
    - a. Minimum percentage landscaping requirements, apart from those required for parking lots, street trees, buffers (Section 9.0100) and required mitigation areas may be met by preserving the HCA.
    - b. Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within the HCA so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strip, and vegetated infiltration basins. Only native vegetation may be planted in these facilities.
  - 3. Flexible Site Design (On-site Density Transfer) to avoid or minimize development within HCAs.
    - a. Residential. For residential development proposals on lands with a HCA, a transfer of density of up to 50% of the maximum density permitted on the HCA portion of the site is permitted to be transferred onto the non-HCA portion of the site.
    - b. In order to accommodate the transferred density, dimensional standards and lot sizes may be adjusted by no more than 20 percent.
    - c. Commercial and Industrial Zones. For on-site density transfers in Commercial or Industrial zones, the transfer credit is 10,000 sq. ft floor area ratio (FAR) per acre of land within the HCA.
    - d. Mixed-Use Zones. Within mixed-use zones the density transfer credit can be factored using either 3(a) or 3(c) above, depending on the type of development proposed.
    - e. All remaining HCA shall be permanently restricted from development and maintained for habitat functions, such as by making a public dedication or executing a restrictive covenant.

4. Site Capacity Incentives. The following site capacity standards provide flexibility in the design of land divisions in order to allow ways to better protect HCAs.
    - a. Density bonus if HCA is protected. In multi-family residential zones, a 25 percent density bonus may be allowed for any development of four (4) or more dwelling units if 75 percent or more of the HCA on a site is permanently preserved, such as by making a public dedication or executing a restrictive covenant. The bonus density shall be in addition to the base density allowed in the applicable zoning district.
    - b. All area within a HCA, or any portion of it, and all areas with slopes of 25% and greater may be subtracted from the calculations of net size for purposes of determining the minimum number of units that must be built on the property, provided that such area is protected, such as by making a public dedication or executing a restrictive covenant. This provision may only be applied to properties that were inside the Metro UGB on January 1, 2002.
- C. Development within HCAs. The following development standards apply to all development that occurs within the HCA except for exempt uses and conditioned activities addressed in Section 5.0403 of this overlay and utility facilities addressed in subsection 5.0411(D) of this overlay. If all development occurs outside of an HCA on a property, these standards do not apply. These standards also do not apply to development that occurs pursuant to the standards established by the alternative discretionary development standards in Section 5.0412 of this Overlay. (Note: Applicants seeking to develop within a Water Quality Resource Area must utilize either the discretionary standards located in Section 5.0412 of this Overlay or the Specific Standards of Section 5.0411 that apply to “high value” resource areas.
1. Disturbance area limitations to minimize impact to HCA.
    - a. Single-family residential districts. The maximum disturbance area (MDA) allowed within HCAs is determined by subtracting the area of the lot or parcel outside of the HCAs from the total disturbance area (TDA) calculated as described in Table 1 below.  
(TDA – Area outside the HCA = MDA)
      - i. Moderate and Low HCAs are subject to the same disturbance area limitations.
      - ii. Calculation of maximum disturbance area. If a lot or parcel includes both High and Moderate/Low HCAs then:
        - (A) If there is more High HCA than Moderate/Low HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were High, per Table 1 below; or
        - (B) If there is more Moderate/Low HCA than High HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were Moderate/Low, per Table 5.0411(A) below.
      - iii. Location of MDA. If a lot or parcel includes different types of HCAs, then:
        - (A) The amount of development that may occur within the High HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High HCA



(TDA – non-High HCA = MDA). If the area of the lot or parcel outside the High HCA is greater than the total disturbance area, then development shall not occur within the High HCA:

(Area outside High HCA > TDA = no development in High HCA);

(B) The amount of development that may occur within the Moderate HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High and Moderate HCA (TDA – (Low HCA + non-HCA) = MDA). If the area of the lot or parcel outside the Moderate HCA is greater than the total disturbance area, then development shall not occur within the Moderate HCA:

(Area outside Moderate HCA > TDA = no development in Moderate HCA);  
and

(C) The amount of development that may occur within the Low HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High, Moderate and Low HCA (TDA – non-HCA = MDA). If the area of the lot or parcel outside the Low HCA is greater than the total disturbance area, then development shall not occur within the Low HCA:

(Area outside Low HCA > TDA = no development in Low HCA).

**Table 5.0411(A) -- HCA Total Disturbance Area Limitations for LDR District**

| HCA type     | Total Disturbance Area                                     |
|--------------|--|
| High         | 50 percent of the lot area, up to maximum of 5,000 sq. ft. |
| Moderate/Low | 65 percent of the lot area, up to maximum of 6,000 sq. ft. |

b. All other districts. The maximum disturbance area (MDA) allowed by right within Low, Moderate and High HCAs in these zones is found in Table 2 below; this MDA is subject to the mitigation requirements described in subsection 5.0411(E) of this Overlay.

**Table 5.0411(B) - HCA Disturbance Area Limitations for all districts other than LDR**

| HCA type | Maximum Disturbance Area  |
|----------|---------------------------|
| High     | 10 percent of HCA on site |
| Moderate | 15 percent of HCA on site |
| Low      | 50 percent of HCA on site |

c. Development within an HCA in accordance with the provisions of this Overlay shall not result in a change of the HCA status of such developed areas on a property. In the case of a later development request seeking to develop within previously undisturbed HCAs on a property where a prior development request was subject to the provisions of this Overlay, the calculation of the MDA allowed on the property shall be based on the location of the HCA at the time the previous development was approved, notwithstanding the location of any authorized development within the HCA.

2. Protection of habitat during site development. During development of any site containing a HCA, the following standards apply:
  - a. Work areas shall be marked to reduce potential damage to the HCA.
  - b. Trees in HCAs shall not be used as anchors for stabilizing construction equipment.
  - c. Native soils disturbed during development shall be conserved on the property.
  - d. An erosion and sediment control plan is required for all development and shall be prepared in compliance with requirements set forth in the City of Gresham "Erosion Prevention and Sediment Control Manual".
  - e. Prior to construction, the HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed.
  - f. All construction activity on the property shall conform to the Construction Management Plan described in Section 5.0410 of this Overlay.
  - g. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
    - (i) Prior to any grubbing, clearing, grading, parking, preparation or storage of materials or machinery, or other construction activity on the site, all trees to be protected on the project site and adjacent to the site shall be clearly identified and temporary fencing shall be installed at the perimeter of the dripline.
    - (ii) To assure that there is no soil compaction or removal of vegetation or tree branches within the dripline, protective fencing is required around the dripline of trees designated for retention. Protective fencing shall be of a material that cannot easily be moved, removed, or broken during construction activities. Chain link fencing a minimum of 4 feet in height is preferred. An alternative dripline fencing material secured by metal posts staked at no more than 4 feet on center around the dripline of the tree or grove may be used with the approval of the Manager.
    - (iii) No machinery repair, cleaning or fueling shall be performed within 10 feet of the dripline of any trees identified for protection.
    - (iv) Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited.
    - (v) The City may require that a Consulting Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
- D. Utility facility standards. The following disturbance area limitations apply to new utilities, private connections to existing or new utility lines, and upgrade:
  - a. The disturbance area for utility facility connections to utility facilities is no greater than 10 feet wide.

- b. The disturbance area for the upgrade of existing utility facilities is no greater than 15 feet wide.
  - c. The disturbance area for new underground utility facilities is no greater than 25 feet wide and disturbs no more than 200 linear feet of Water Quality Resource Area, within any 1,000 linear foot stretch of Water Quality Resource Area; provided that this disturbance area shall be restored with the exception of necessary and permanent access points to the utility facility.
  - d. No fill or excavation is allowed within the ordinary high water mark of a stream, unless a permit is obtained from the US Army Corps of Engineers/Department of State Lands
  - e. Mitigation is required as described in subsection E below.
- E. Mitigation requirements for disturbance in HCAs. In order to achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Section 5.0401(A) of this Overlay, tree replacement and vegetation planting are required when development intrudes into a HCA according to the following standards. Wetland mitigation will be conducted per the functional and area replacement standards established by state and federal agencies.
- 1. Required plants and plant densities. All trees, shrubs and ground cover must be native plants selected from the *City of Gresham Native Plant List*. An applicant must meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is one acre or more, the applicant shall comply with Mitigation Option 2:
    - a. Mitigation Option 1. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 3. Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

**Table 5.0411(C) - Tree Replacement**

| <b>Size of tree to be removed<br/>(inches in diameter)</b> | <b>Number of trees and shrubs to be<br/>planted</b> |
|--|---|
| 6 to 12  | 2 trees and 3 shrubs                                |
| 13 to 18   | 3 trees and 6 shrubs                                |
| 19 to 24   | 5 trees and 12 shrubs                               |
| 25 to 30   | 7 trees and 18 shrubs                               |
| over 30  | 10 trees and 30 shrubs                              |

- b. Mitigation Option 2. In this option, the mitigation requirement is calculated based on the size of the disturbance area within a HCA. Native trees and shrubs are required to be planted at a rate of 820 trees and 820 shrubs per acre for every acre of HCA disturbance. This amount shall be adjusted for smaller disturbance areas. For example, 410 trees and 410 shrubs shall be planted for one-half acre of disturbance. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

2. Plant size.
  - a. For Mitigation Option 1: Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
  - b. For Mitigation Option 2: Plantings can range from live cuttings, to bare root stock to container stock in size. Initial plantings should be at least 12 inches in height.
3. Plant Spacing. With the exception of the outer edge of a mitigation area, trees and shrubs will not be planted in a linear fashion. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.
  - a. In Mitigation Option 1, trees shall be planted on average between 8 and 12 feet on-center and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.
  - b. In Mitigation Option 2, trees shall be planted at average intervals of 7 feet on-center. Shrubs may be clustered in single species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.
4. Plant diversity. Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.
5. Plant species. In order to meet the City stream shade goals (developed and approved by the Department of Environmental Quality in compliance with the Total Maximum Daily Load rules) for reducing summer stream temperatures, the following species guidelines need to be followed for any mitigation occurring within 70 feet of a stream. At least 70% of the trees planted in this area need to be comprised of the tallest native tree species appropriate for the site, as indicated by an asterisk in Table 5.0411(D) or as reflected in the City of Gresham Native Plant Guide.

**Table 5.0411(D)**

Recommended Tree and Shrub Species for Planting within Riparian Shade Zone

| Site Conditions  | Typical Soil Series         | Recommended Plant Community |   |
|--|-----------------------------|-----------------------------|---|
| Floodplain and wetlands adjacent to the Columbia Slough                            | Moag<br>Rafton              | Trees                       | Black cottonwood*<br>Pacific willow   |
|  |                             | Shrubs                      | Red-osier dogwood<br>Snowberry<br>Willow<br>Wild rose   |
| Floodplain and wetlands adjacent to Johnson Creek, Fairview Creek, and Kelly Creek | Delena<br>Wapato<br>Wollent | Trees                       | Black cottonwood*<br>Pacific willow<br>Red alder<br>Oregon ash<br>Western redcedar*   |
|  |                             | Shrubs                      | Douglas spiraea<br>Pacific ninebark<br>Red-osier dogwood<br>Snowberry<br>Twinberry<br>Wild rose<br>Willow   |
| Moist Riparian   | Aloha<br>Cascade<br>Powell  | Trees                       | Bigleaf maple*<br>Black cottonwood*<br>Grand fir*<br>Red alder<br>Western redcedar*   |
|  |                             | Shrubs                      | Bitter cherry<br>Black hawthorn<br>Hazelnut<br>Indian plum<br>Oregon grape<br>Red elderberry<br>Salal<br>Salmonberry<br>Snowberry<br>Thimbleberry<br>Vine maple |

| <b>Table 5.0411(D)</b>   |  |                                    |   |
|--|--|------------------------------------|---|
| Recommended Tree and Shrub Species for Planting within Riparian Shade Zone |  |                                    |   |
| <b>Site Conditions</b>   | <b>Typical Soil Series</b>   | <b>Recommended Plant Community</b> |   |
| Dry Riparian   | Cornelius<br>Dabney<br>Haploxerolls, steep<br>Haplumbrepts, steep<br>Latourell<br>Multnomah<br>Quafeno | Trees                              | Bigleaf maple*<br>Douglas fir*<br>Oregon white oak<br>Western hemlock*                    |
|  |  | Shrubs                             | Hazelnut<br>Indian plum<br>Oceanspray<br>Oregon grape<br>Salal<br>Snowberry<br>Vine maple |

6. Location of mitigation area. All vegetation must be planted on the applicant’s site within the HCA or in an area contiguous to the HCA; provided, however, that if the vegetation is planted outside of the HCA then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant.
7. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.
8. Tree and shrub survival.
  - a. For Mitigation Option 1: A minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.
  - b. For Mitigation Option 2: A minimum of 500 trees per acre and 650 shrubs per acre shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.
9. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind by the property owner or designee, as indicated on the mitigation plan. For a period of five years, the property owner/designee must submit an annual report to the Urban Design & Planning Department documenting the survival of the trees and shrubs on the mitigation site. Photos must accompany the annual report that shows the progress of the mitigation.

A financial guarantee, in the form of an instrument approved by the City, shall be submitted before development within the HCA commences. It shall be in an amount adequate to cover the cost of performing the mitigation. The City will release the guarantee at the end of the five year monitoring period, or before, if it determines that the trees and shrubs have been successfully established.

10. To enhance survival of the mitigation plantings, the following practices are required:

- a. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
  - b. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
11. To enhance survival of the mitigation plantings, the following practices are required for Mitigation Option 1. These are recommended for Mitigation Option 2 if annual survival goals are not being met:
- a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
  - b. Irrigation. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
12. To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:
- a. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
- F. Standards for Partitions and Subdivisions. The purpose of this section is to allow for partitions in a manner that limits the total amount of allowable development within HCAs on the partitioned parcels; and to require that new subdivision plats delineate and show the Moderate and High HCAs as a separate unbuildable tract.
1. Standards for Partitions containing HCAs:
- a. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property according to Section 5.0414 of this overlay.
  - b. Applicants who are partitioning, but are not simultaneously developing their property, do not need to comply with Section 5.0410 of this overlay.
  - c. When partitioning a property into parcels there shall be no more than a 30% percentage point difference in the percentage of HCA on the parcels; for example, a partition that produces two parcels, one that is 55% HCA and the other that is 35% HCA is permissible; whereas a partition that produces two parcels, one that is 75% HCA and the other that is 30% HCA is not permissible. However, an applicant may partition a property such that at least 90% of the original property's High HCA and 80% of its moderate HCA is on a separate unbuildable parcel, protected by a restrictive covenant or a public dedication. The restrictive covenant or public dedication document shall be submitted to the City as part of the final plat application review. After City approval, it shall be recorded with Multnomah County along with the final plat.
  - d. Subsequent development on any parcels containing HCAs shall comply with Section 5.0410, and the development standards of either Section 5.0411 or Section 5.0412 of this overlay.

2. Standards for Subdivisions containing HCAs:
  - a. Applicants who are subdividing, but not developing, must verify the location of the HCA boundary according to Section 5.0414 of this Overlay, and comply with this subsection 5.0411(F); such applicants do not need to comply with Section 5.0410 of this Overlay. Applicants who are subdividing, but not developing, property may:
    - i. Complete the mitigation requirements of subsection 5.0411(E) of this Overlay (and, if appropriate, subsections 5.0412(B) and (C)) and thereby exempt all subsequent development on lots containing HCA from further review under this Overlay (City will verify that the mitigation requirements have been met when individual lot building permit applications are processed); or
    - ii. Not complete the mitigation requirements of subsections 5.0411(E), 5.0412(B), or (C) of this Overlay, thus requiring that any subsequent development within an HCA be subject to this Overlay.
  - b. Applicants who are subdividing and developing properties must comply with Sections 5.0410, 5.0411 and 5.0414 of this Overlay.
  - c. When a property containing any HCA is subdivided, this Overlay requires that new subdivision plats delineate and show the Moderate and High HCA as a separate unbuildable tract according to the following process:
    - i. The applicant must place at least 90% of the High HCA and 80% of the Moderate HCA in a separate tract.
      - (A) If over 50% of the HCA on a property is of a High designation, the entire calculation is for High (i.e., 90% of the HCA must be placed within a separate tract).
      - (B) If over 50% of the HCA on a property is of a Moderate designation, the entire calculation is for Moderate (i.e., 80% of the HCA must be placed within a separate tract).
    - ii. If the tract is adjacent to the backyard for residences, the minimum rear yard setback can be reduced to 10 ft. in order to accommodate the HCA tract.
    - iii. The standards for subdivisions in Moderate and High HCAs shall apply in addition to the land division requirements of the City.
    - iv. Prior to preliminary plat approval, the Moderate and/or High HCA shall be shown as a separate tract, which shall not be a part of any lot used for construction of a dwelling unit.
    - v. Prior to final plat approval, ownership of the HCA tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
      - (A) Private natural area held by the owner or homeowners association by a restrictive covenant conveying storm and surface water management rights to the City; or



- (B) For residential subdivisions, private natural area subject to an easement conveying storm and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this Overlay;  
or
- (C) At the owner's option, public natural area where the tract has been dedicated to the City or Metro, or a private non-profit with the mission of land conservation along with conveying storm and surface water management rights to the City; or
- (D) Any of the above documents shall be submitted to the City for review and after it is approved as part of the final plat review process, be recorded with Multnomah County along with the subdivision plat.

## 5.0412 Alternative Discretionary Development Standards

Applicants may choose to use the alternative discretionary development standards provided in this section rather than the development standards provided in Section 5.0411 of this Overlay. There are four discretionary review processes provided in this section: subsection A provides discretionary review for an applicant seeking only to partition a property; subsection B provides discretionary review for an applicant who will comply with the development standards in Section 5.0411 of this Overlay, except that the applicant seeks to meet the mitigation requirements of that section on a different property from the property on which a HCA will be disturbed; subsection C provides discretionary review for an applicant who will comply with the development standards in Section 5.0411 of this Overlay, except that the applicant seeks to meet the mitigation requirements of that section by proportionally varying the number and size of plants required to be planted; and subsection D provides general discretionary review standards applicable to an applicant seeking some other type of discretionary approval of development that will disturb an HCA. An applicant may chose to use the mitigation standards of Section 5.0411 in lieu of the mitigation standards of this section.

- A. Discretionary Review for Partitions. An applicant seeking to partition land in ways that do not accord with the standards established in Section 5.0411(F)(1) may seek review under this subsection 5.0412(A).
1. The applicant shall verify the boundaries of the HCAs and WQRAs on the property according to Section 5.0414 of this Overlay.
  2. The applicant shall submit the following application materials:
    - a. A scale map, using a standard engineering scale, of the entire property that includes:
      - i. Location of all High, Moderate, and Low HCA on the property;
      - ii. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;
      - iii. Location of 100 year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation;
      - iv. A delineation of the proposed partition;
      - v. Outlines of existing developed areas and proposed disturbance areas;
      - vi Areas covered by other overlay (e.g. Hillside Physical Constraint, Flood Plain overlays) and
      - vii Other items as required for partition proposals by Sections 6.0202 or 6.0403, as appropriate.
    - b. A written and documented explanation of how and why the proposed partition satisfies the approval criteria in subsection 5.0412(A)(3). Such written documentation shall include an alternatives analysis of different possible partition plans, based on the characteristics and zoning of the property, and shall be included as part of the partition application narrative.

3. Approval Criteria. A partition shall be approved under this subsection 5.0412(A) provided that the applicant demonstrates that it is not practicable to comply with the partition standards in Section 5.0411(F)(1) of this Overlay, and that the applicant's partition plan will result in the smallest practicable percentage point difference in the percentage of HCA on the parcels created by the partition (this will minimize the amount of allowable disturbance areas within HCAs on the parcels, assuming that the development standards in this Section 5.0411 were applied to future development on such parcels).
  4. Subsequent development on any parcels created by the partition and containing HCAs shall comply with all provisions of this Overlay, except that the map verification completed and approved as part of the partition may be used to satisfy the requirements of Section 5.0414 of this Overlay for any such development.
- B. Discretionary Review to Approve Off-Site Mitigation. An applicant seeking discretionary approval only for off-site mitigation within the same sub-watershed (6<sup>th</sup> Field Hydrologic Unit Code), but who will comply with all other provisions of Section 5.0411 of this Overlay, may seek review under this subsection 5.0412(B).
1. The applicant shall submit:
    - a. A calculation of the number of trees and shrubs the applicant is required to plant under Section 5.0411(E) of this Overlay; and
    - b. A map and accompanying narrative that details the following:
      - i. A plant list that indicates the quantity, botanical name, common name, size and root type (balled, burlaped or bare root) of trees, shrubs and other proposed plantings;
      - ii. A plan that shows where the trees, shrubs and other plants will be planted;
      - iii. An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
      - iv. The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a HCA, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant; and
      - v. Planting details.
  2. Approval Criteria. Off-site mitigation shall be approved under this subsection 5.0412(B) provided that the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation on a property within the same sub-watershed (6<sup>th</sup> Field Hydrologic Unit Code) as the related disturbed HCA.

3. Mitigation approved under this subsection 5.0412(B) of this Overlay shall be subject to all of the requirements of subsection 5.0411(E) of this Overlay, except for the requirements of subsection 5.0411(E)(5) of this overlay.
- C. Discretionary Review to Approve Mitigation That Varies the Number and Size of Trees and Shrubs. An applicant seeking discretionary approval only to proportionally vary the number and size of trees and shrubs required to be planted under subsection 5.0411(E), for example to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs, but who will comply with all other provisions of Section 5.0411 of this Overlay, may seek review under this subsection 5.0412(C).
1. The applicant shall submit:
    - a. A calculation of the number of trees and shrubs the applicant would be required to plant under Section 5.0411(E) of this Overlay;
    - b. The numbers, species, root types and sizes of trees and shrubs that the applicant proposes to plant;
    - c. An explanation of why the numbers, species and sizes of trees and shrubs that the applicant proposes to plant will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 5.0411(E) of this Overlay. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resources professional or a certified landscape architect and shall include discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control; and
    - d. The applicant's mitigation site monitoring and reporting plan.
  2. Approval Criteria. A request to vary the numbers and sizes of trees and shrubs to be planted shall be approved if the applicant demonstrates that the proposed planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 5.0411(E) of this overlay. Such determination shall take into consideration all of the information required to be submitted under subsection 5.0412(C)(1) of this overlay.
  3. Mitigation approved under this subsection 5.0412(C) of this Overlay shall be subject to the requirements of subsections 5.0411(E)(4) through (E)(9) of this Overlay, and it is recommended that such mitigation also follow the practices recommended in subsection 5.0411(E)(10) of this overlay.
- D. Discretionary Review. An applicant seeking discretionary approval to undertake any development activity within a HCA that does not comply with subsection 5.0411 of this Overlay and is not described in subsections 5.0412(A), (B), or (C) of this Overlay may file an application under this Section 5.0412(D) of this overlay.
1. Application Requirements. The applicant shall provide all items described in subsection 5.0411.A of this overlay, except that, for utility projects undertaken by public utilities across

property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project, and the applicant shall also provide all of the following:

- a. **Impact Evaluation and Alternatives Analysis.** An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. The alternatives must be evaluated on the basis of their impact on the HCA, the ecological functions provided by the HCA on the property, and off-site impacts within the sub-watershed (6<sup>th</sup> Field Hydrologic Unit Code) where the property is located. The impact evaluation shall include all of the following items:
  - i. Identification of the ecological functions of riparian habitat found on the property as described in Table 4 of this Overlay and the habitat connectivity ecological functions described in subsection 5.0412(D)(1)(a)(ii)(C) and (D) of this overlay.
  - ii. For upland habitat in areas to be added to the Metro urban growth boundary areas after October 1, 2005, identification of the impact the proposed development would have on the following ecological functions provided by upland wildlife habitat:
    - (A) Habitat patch size;
    - (B) Interior habitat;
    - (C) Connectivity of the habitat to water; and
    - (D) Connectivity of the habitat to other habitat areas.

**Table 5.0412(A) - Ecological functional values of riparian corridors.**

| <b>Ecological function</b>                         | <b>Landscape features providing functional values</b>   |
|--|---|
| Microclimate and shade                             | Forest canopy or woody vegetation within <b>100 feet</b> of a stream; a wetland <sup>1</sup> ; or a flood area <sup>2</sup> .   |
| Streamflow moderation and water storage            | A wetland or other water body <sup>3</sup> with a hydrologic connection to a stream; or a flood area <sup>2</sup> .   |
| Bank stabilization, sediment and pollution control | All sites within <b>50 feet</b> of a surface stream;<br><br>Forest canopy, woody vegetation, or low structure vegetation/open soils within <b>100 feet</b> of a stream or a wetland; or forest canopy, woody vegetation, or low structure vegetation/open soils within a flood area; and,<br><br>Forest canopy, woody vegetation, or low structure vegetation/open soils within <b>100-200 feet</b> of a stream if the slope is greater than 25%. |
| Large wood and channel dynamics                    | Forest canopy within <b>150 feet</b> of a stream or wetland; or within a flood area; and<br>The channel migration zone is defined by the floodplain, but where there is no mapped floodplain a default of <b>50 feet</b> is established to allow for the channel migration zone.  |
| Organic material sources                           | Forest canopy or woody vegetation within <b>100 feet</b> of a stream or wetland; or within a flood area.  |

<sup>1</sup>Refers to “hydrologically-connected wetlands,” which are located partially or wholly within ¼ mile of a surface stream or flood area.

<sup>2</sup>Developed floodplains are not identified as HCAs because they do not provide primary ecological functional value.

<sup>3</sup>“Other water body” could include lakes, ponds, reservoirs, or manmade water feature that is not a water quality facility or farm pond.

- iii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the HCAs and the ecological functions provided on the property. At a minimum, the following approaches must be considered:
  - (A) The techniques described in subsection 5.0411(B) of this Overlay;
  - (B) Multi-story construction;
  - (C) Minimizing building and development footprint;
  - (D) Maximizing the use of native landscaping materials; and
  - (E) Minimal excavation foundation systems (e.g., pier, post or piling foundation).
  - (F) Minimizing impervious surfaces and using permeable surfaces.
- iv. Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.
- b. **Alternative Mitigation Plan.** The purpose of a mitigation plan is to compensate for unavoidable significant detrimental impacts to ecological functions that result from the chosen development alternative as identified in the impact evaluation. However, when development occurs within delineated wetlands, then the mitigation required under subsection 5.0412(D)(2)(d) shall not impose additional mitigation requirements that exceed the mitigation ratios or functions required by state and federal law for the fill or removal of such wetlands.
  - i. An applicant may choose to develop a mitigation plan consistent with the requirements of subsection 5.0411(E) of this Overlay. If an applicant so chooses, then the applicant shall submit a mitigation plan demonstrating such compliance.
  - ii. If an applicant chooses to develop an alternative mitigation plan that would not comply with the requirements of subsection 5.0411(E) of this Overlay, including, for example, a proposal to create an alternative plant community type such as an oak savannah or a low-structure plant community, or where an applicant demonstrates that a portion of identified HCA on its property provides only impaired ecological functions, then the applicant shall submit a mitigation plan that includes all of the following:
    - (A) An explanation of how the proposed mitigation will adequately compensate for the impacts to ecological functions described in the impact evaluation required by subsection 5.0412(D)(1)(a). The applicant may use the mitigation that would be

required under subsection 5.0411(E) of this Overlay as the baseline mitigation required to compensate for disturbance to a HCA that provides an average level of ecological functions. Such explanation shall include:

- (1) If the applicant uses the mitigation that would be required under subsection 5.0411(E) of this Overlay as the baseline mitigation required to compensate for disturbance to a HCA, then the applicant shall submit a calculation of the number of trees and shrubs the applicant would be required to plant under subsection 5.0411(E) of this Overlay;
  - (2) A site plan showing where the specific mitigation activities will occur and the numbers, species, planting details and root types and sizes of trees, shrubs and other plants that the applicant proposes to plant; and
  - (3) A discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control.
- (B) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies.
- (C) A list of all parties responsible for implementing and monitoring the mitigation plan and, if mitigation will occur off-site, the names of the owners of property where mitigation plantings will occur.
- (D) The applicant's mitigation site monitoring and reporting plan.
- (E) If the proposed mitigation will not be conducted on-site, the applicant shall submit a map and accompanying narrative that details the following:
- (1) The number, species, sizes and root types of trees, and shrubs, and other plants that can be planted on-site;
  - (2) The on-site location where those trees and shrubs can be planted and planting details of how they will be planted;
  - (3) An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and
  - (4) The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a HCA, documentation

that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

(F) If the mitigation area is off-site and not within the same sub-watershed (6<sup>th</sup> Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall submit an explanation of why it is not practicable to conduct the mitigation within the same sub-watershed and of why and how, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the sub-watershed.

(G) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. If the applicant is proposing any in-stream work in fish-bearing streams as part of the mitigation project, then the applicant shall submit documentation that such work will be done in accordance with the Oregon Department of Fish and Wildlife in-stream work timing schedule.

c. The Impact Evaluation and Alternatives Analysis required by subsection 5.0412(D)(1)(a) and the Mitigation Plan required by subsection 5.0412(D)(1)(b) shall be prepared and signed by either (1) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist or (2) other appropriate and knowledgeable discipline or (3) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities. The application shall include a description of the qualifications and experience of all persons that contributed to the Impact Evaluation and Alternatives Analysis and to the Mitigation Plan, and, for each person that contributed, a description of the elements of such reports to which the person contributed.

2. Approval Criteria. The following approval criteria apply to discretionary review applications under Section 5.0412.D:

a. All application requirements in subsection 5.0412(D)(1) shall be met.

b. Avoid. An applicant shall first avoid the intrusion of development into the HCA to the extent practicable. The development that is proposed must have less detrimental impact to HCAs than other practicable alternatives, including significantly different practicable alternatives that propose less development within HCAs. If there is more than one type of HCA on a property then the applicant shall first avoid the intrusion of development into the higher-valued HCA, to the extent practicable, and the development that is proposed must have less detrimental impact to the higher-valued HCAs than other practicable alternatives. To avoid development in HCAs, and to the extent practicable, applicants shall use the approaches described in subsection 5.0412(D)(1)(a)(iii).

c. Minimize. If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the HCA, then the development proposed by the applicant within the HCA shall minimize detrimental impacts to the extent practicable. If there is more than one type of HCA on a property then the development within higher-valued HCAs shall be considered more detrimental than development within lower-valued HCAs.



- i. Development must minimize detrimental impacts to ecological functions and loss of habitat consistent with uses allowed by right under the base zone, to the extent practicable;
- ii. To the extent practicable within the HCA, the proposed development shall be designed, located, and constructed to:
  - (A) Minimize grading, removal of native vegetation, and disturbance and removal of native soils by using the approaches described in subsection 5.0411(C)(2), reducing building footprints, and using minimal excavation foundation systems (e.g., pier, post or piling foundation);
  - (B) Minimize adverse hydrological impacts on water resources such as by using the techniques described in Part (a) of Table 5, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
  - (C) Minimize impacts on wildlife corridors and fish passage such as by using the techniques described in Part (b) of Table 5; and
  - (D) Consider using the techniques described in Part (c) of Table 5 to further minimize the impacts of development in the HCA.

**Table 5.0412(B) - Habitat-friendly development practices.<sup>1</sup>**

| <i>Part (a): Design and Construction Practices to Minimize Hydrologic Impacts</i>   |
|---|
| <ol style="list-style-type: none"> <li>1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> <li>2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.</li> <li>3. Incorporate stormwater management in road right-of-ways.</li> <li>4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.</li> <li>5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.</li> <li>6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.</li> <li>7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.</li> <li>8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.</li> <li>9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.</li> <li>10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.</li> </ol> |

<sup>1</sup> These development practices represent the state of scientific knowledge at the time of this Overlay’s enactment, if more effective habitat-friendly practices become available, they should be used.

11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

*Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage*

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

*Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices*

1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light spill-off into HCAs from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

- d. Mitigate. If the applicant demonstrates that there is no practicable alternative that will not avoid disturbance of the HCA, then development must mitigate for adverse impacts to the HCA. All proposed mitigation plans must meet the following standards.
  - i. The mitigation plan shall demonstrate that it compensates for detrimental impacts to ecological functions provided by HCAs, after taking into consideration the applicant's efforts to minimize such detrimental impacts through the use of the techniques described

in Table 5 and through any additional or innovative techniques. A mitigation plan that requires the amount of planting that would be required under subsection 5.0411(E) of this Overlay based on the amount of proposed disturbance area within the HCA, and that otherwise complies with all of the mitigation requirements in subsection 5.0411(E) of this Overlay, shall be considered to have satisfied the requirements of this subsection 5.0412(D)(2)(d) of this Overlay.

- ii. Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation shall be approved if the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation, as described in subsection 5.0412(B)(1)(b)(iv) of this Overlay. In addition, if the off-site mitigation area is not within the same sub-watershed (6<sup>th</sup> Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall demonstrate that it is not practicable to complete the mitigation within the same sub-watershed and that, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the sub-watershed. Mitigation shall not be allowed outside of the impacted 5<sup>th</sup> Field Hydrologic Unit Code (i.e., an impact within the Johnson Creek watershed needs to be mitigated within the Johnson Creek watershed).
  - iii. All re-vegetation plantings shall be with native plants listed on the *City of Gresham Native Plant List*.
  - iv. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream work-timing schedule.
  - v. A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting, and compliance with the plan shall be a condition of development approval.
- e. Municipal Water Utility Facilities Standards. Except as provided within this subsection, in addition to all other requirements of subsection 5.0412(D)(2) of this Overlay, municipal potable water, storm water (drainage) and wastewater utility facilities may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced or upsized if not exempted in Section 5.0403 of this Overlay. These facilities may include but are not limited to water treatment plants, wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, terminal storage reservoirs, and outfall devices provided that:
- i. Such projects shall not have to comply with the requirements of subsection 5.0412(D)(2)(b) of this Overlay, provided that, where practicable, the project does not encroach closer to a water feature than existing operations and development, or for new projects where there are no existing operations or development, that the project does not encroach closer to a water feature than practicable;
  - ii. Best management practices will be employed that accomplish the following:
    - (A) Account for watershed assessment information in project design;

- (B) Minimize the trench area and tree removal within the HCA;
- (C) Utilize and maintain erosion controls until other site stabilization measures are established, post-construction;
- (D) Replant immediately after backfilling or as soon as effective;
- (E) Preserve wetland soils and retain soil profiles;
- (F) Minimize compactions and the duration of the work within the HCA;
- (G) Complete in-water construction during appropriate seasons, or as approved within requisite Federal or State permits;
- (H) Monitor water quality during the construction phases, if applicable; and
- (I) Implement a full inspection and monitoring program during and after project completion, if applicable.

#### **5.0413 Variances**

- A. The purpose of this Section is to ensure that compliance with this Overlay does not cause unreasonable hardship. To avoid such instances, the requirements of this Overlay may be varied. Variances are also allowed when strict application of this Overlay would deprive an owner of all economically viable use of land.
- B. This Section applies in addition to the standards governing proposals to vary the requirements of the district.
- C. Notice of variance applications shall be provided:
  1. Upon receiving an application to vary the requirements of this overlay, the notice shall be provided to all property owners within 300 ft. of the site, as required by Section 11.0311 of the Gresham Community Development Code to Metro, to any neighborhood association recognized by the City of Gresham and whose boundaries include the property, and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property and meet all other noticing requirements of Section 11.0311 of the Gresham Community Development Code.
  2. Within seven (7) days of a decision on the variance, notice of the decision shall be provided to Metro, to any neighborhood association recognized by the City of Gresham and whose boundaries include the property, to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property, and to any other person required to receive notice of such a decision in Section 11.0300 of the City of Gresham Community Development Code.

- D. **Hardship Variance.** Variances to avoid unreasonable hardship caused by the strict application of this Overlay are permitted subject to the criteria set forth in this section. To vary from the requirements of this Overlay, the applicant must demonstrate the following:
1. The variance is the minimum necessary to allow the proposed use or activity;
  2. Unless the proposed variance is from mitigation under Section 5.0411(E) or mitigation under Section 5.0412(B), (C), or (D)(1)(b) and D(2)(d), the proposed use will comply with those standards, as applicable; and
  3. The proposed use complies with the standards of the base zone.
- E. **Buildable Lot Variance.** A variance to avoid the loss of all economically viable use of an existing lot or parcel that is partially or wholly inside a HCA is permitted. Applicants must demonstrate the following:
1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that:
    - a. The proposed use cannot meet the standards in Section 5.0413(D) (hardship variance); and
    - b. No other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
  2. The proposed variance is the minimum necessary to allow for the requested use;
  3. The proposed variance will comply with Section 5.0411(E) or 5.0412(B), (C), or D(1)(b) and D(2)(d) (mitigation); and
  4. The proposed use complies with the standards of the base zone.
- F. **Additional Criteria.** In addition to the above Hardship Variance or Buildable Lot Variance criteria, the following criteria apply:
1. A variance that would result in a reduction of not more than 20% of the HCA boundary width on a site or a 20% decrease/increase of another numerical standard of this overlay shall demonstrate compliance with the Type II Minor Variance criteria of Section 10.1510 of the Gresham Community Development Code. Such proposals shall be processed under the Type II development permit procedure.
  2. A variance that would result in a reduction of greater than 20% of the HCA width on a site or an increase/decrease of more than 20% of another numerical standard of this overlay shall demonstrate compliance with the Type III Major Variance criteria of Section 10.1530 of the Gresham Community Development Code. Also, all non-numerical variance proposals shall meet the Type III Major Variance criteria. Both kinds of variances shall be processed under the Type III development permit procedure.

- G. Variance Conditions. Conditions may be imposed to limit any adverse impacts that may result from granting any variance.

#### **5.0414 Map Administration and HCA Verification**

- A. Exempt development. Development that is outside of any HCA and no closer than 50 feet to the border of an HCA (including all impervious surfaces and landscaping), based on the HCA map, may proceed without having to comply with this section or any other portion of this overlay except for Section 5.0410, Construction Management Plan.
- B. Verification of the location of HCAs as described in this section shall not be considered a comprehensive plan amendment. If developing within an HCA, the location of the HCA boundary on a development site must be marked in the field at the time the applicant requests an HCA permit.
- C. Map verification is available to correct for mistakes in the location, size or presence of HCAs on properties. Map verification shall not be used to dispute whether identified HCAs provide the ecological functions that they are assumed to provide based on the ecological criteria used by Metro to identify them in the 2002 Metro Goal 5 Technical Report. Nor shall it be used to dispute the Metro methodology for locating Class I and II riparian resource areas that is shown on Table 6 of this overlay.
- D. The map verification requirements described in this Section 5.0414 of this Overlay shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or some other land use decision. A property owner, or another person with the property owner's consent, may request to verify the location of HCAs on a real property lot or parcel pursuant to this Section 5.0414 of this Overlay at other times, but whether the City processes such request shall be at the Planning Director's sole discretion, based on staff availability, funding resources, and policy priorities. If a person receives verification separate from a simultaneous request for a building permit, grading permit, tree removal permit, land division approval, or some other land use decision, then the person may use the verification to satisfy the requirements of this section at any time up until five years after the date the verification was issued.
- E. Notwithstanding any other provisions of this Section 5.0414 of this Overlay, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project.
- F. The City shall incorporate all HCA delineations associated with development permit applications and resource updates on the location of the HCA boundary on an annual basis, or as necessary, through the Type 1 permit procedure by the Planning Director. This shall not be considered a comprehensive plan map amendment.
- G. Basic Verification Approaches. The basic verification approaches described in subsections 5.0414(F)(1) through (3) of this Overlay are available for applicants who believe either (1) that the HCA map is accurate, (2) that there is a simple incongruity between the HCA map and the boundary lot lines of a property, or (3) that the property was developed prior to September 29, 2005.

1. Applicant Believes HCA Map is Accurate. An applicant who believes that the HCA map is accurate may comply with this subsection 5.0414(F)(1) of this Overlay. The applicant shall submit the following information regarding the real property lot or parcel:
  - a. A detailed property description;
  - b. A copy of the applicable HCA map;
  - c. A summer 2005 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 20 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 50 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742);
  - d. The information required to be submitted under Section 5.0411 or 5.0412 of this Overlay if the applicant proposes development within any HCA under those provisions; and
  - e. Any other factual information that the applicant wishes to provide to support map verification.
2. Obvious Misalignment Between Mapped Habitat and Property Lot Lines. In some cases, the mapped vegetative cover layer in the GIS database might not align precisely with the tax lot layer that shows property lines, resulting in a HCA map that is also misaligned with tax lot lines. An applicant who believes that the HCA map is inaccurate based on such an obvious misalignment may comply with this subsection 5.0414(F) (2) of this overlay. The applicant shall submit the following information regarding the real property lot or parcel:
  - a. The information described in subsections 5.0414(G)(1)(a) through (e) of this Overlay; and
  - b. A documented demonstration of the misalignment between the HCA map and the property's tax lot boundary lines. For example, an applicant could compare the boundary lot lines shown for roads within 500 feet of a property with the location of such roads as viewed on the aerial photograph of the area surrounding a property to provide evidence of the scale and amount of incongruity between the HCA maps and the property lot lines, and the amount of adjustment that would be appropriate to accurately depict habitat on the property.
3. Property Developed Between Summer 2002 and September 29, 2005. Where a property was developed between the summer of 2002 (when the aerial photo used to determine the regional habitat inventory was taken) and September 29, 2005 (when Metro Council approved the Title 13 program), the applicant shall submit the following information regarding the real property lot or parcel:
  - a. The information described in subsection 5.0414(G)(1)(a) through (e) of this Overlay;
  - b. A summer 2002 aerial photograph of the property, with lot lines shown, at a scale of at least 1 map inch equal to 50 feet for lots of 20,000 or fewer square feet, and a scale of 1 map inch equal to 100 feet for larger lots (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742);

- c. Any approved building permits or other development plans and drawings related to the development of the property that took place between summer 2002 and September 29, 2005; and
  - d. A clear explanation and documentation, such as supporting maps or drawings or an more recent aerial photograph, indicating the new development that has occurred and where previously identified habitat no longer exists because it is now part of a developed area. Also, submit evidence that shows that the new development was legally approved by the City.
4. Decision Process. The Planning Director's map verification decision made pursuant to subsection 5.0414(F)(1) of this overlay will be processed under the Type I development permit procedure. Decisions pursuant to subsections 5.0414(G)(2) and (G)(3) will be processed under the Type II development permit procedure. The Planning Director's decision shall be based on consideration of the information submitted by the applicant, any information collected during a site visit to the lot or parcel, any information generated by prior map verifications that have occurred on adjacent properties, and any other objective factual information that has been provided to the Planning Director.
- H. Detailed Verification Approach. All applicants who believe that the HCA map is inaccurate for a reason other than as described in subsections 5.0414(F)(2) and (3) may file a verification request consistent with this subsection 5.0414(G) of this Overlay. Detailed verification requests will be processed under the Type II (administrative) development permit procedure.
1. Application requirements. The applicant shall submit a report prepared and signed by either (1) a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or (2) a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, storm water facilities, or other similar facilities. Such report shall include:
- a. A description of the qualifications and experience of all persons that contributed to the report, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
  - b. The information described in subsections 5.0414(G)(1)(a) through (e) of this Overlay;
  - c. The information described in subsections 5.0414(G)(2)(b) and (G)(3)(b) through (d) of this Overlay, if the applicant believes such information is relevant to the verification of habitat location on the subject lot or parcel;
  - d. Additional aerial photographs if the applicant believes they provide better information regarding the property, including documentation of the date and process used to take the photos and an expert's interpretation of the additional information they provide;
  - e. A map showing the topography of the property shown by contour lines of 2 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater; and
  - f. Any additional information necessary to address each of the verification criteria in subsection 5.0414(H)(4) of this Overlay, a description of where any HCAs are located on the



property based on the application of the verification criteria in subsection 5.0414(H)(4) of this Overlay, and factual documentation to support the analysis.

2. Notice requirements. Upon receipt of a completed application pursuant to this subsection 5.0414(H) of this Overlay, the Planning Director shall provide notice of the map verification application to Metro, to the owners of record of property on the most recent property tax assessment roll where such property is located within 300 feet of the subject property, as required by Section 11.0311 of the Gresham Community Development Code to any neighborhood association recognized by the City of Gresham and whose boundaries include the property, and to any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the property. The notice provided by the jurisdiction shall comply with the notice requirements of Section 11.0311 of the Gresham Community Development Code. The Planning Director shall accept written public comments regarding the matter during a public comment period.
3. Decision process. The Planning Director shall apply the verification criteria in subsection 5.0414(H)(4) of this Overlay to confirm the location of any HCAs based on the HCA map, the information submitted by the applicant, any information received during the public comment period, and any additional information readily available, including information collected during a site visit to the lot or parcel. The applicant and all persons that submitted written comments shall be provided with a written explanation of the Planning Director's decision.
4. Verification Criteria. The verification of the location of HCAs shall be according to the four-step process described in this subsection 5.0414(H)(4) of this overlay. A verification application shall not be considered complete and shall not be granted unless all the information required to be submitted with the verification application has been received.
  - a. Step 1. Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:
    - i. Locate the Water Feature that is the basis for identifying riparian habitat.
      - (A) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
      - (B) Locate all flood areas within 100 feet of the property.
      - (C) Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map (if completed) and on the Metro 2002 Wetland Inventory Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Department of State Lands and the U.S. Army Corps of Engineers.
    - ii. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.

- (A) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
  - (B) The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved (see subsection 5.0414(G)(3) of this Overlay, above), or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the definitions of the different vegetative cover types provided in Section 5.0416 of this Overlay.
- iii. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25%. At least three slope measurements along the water feature at no more than 100 ft. increments shall be taken, and
  - iv. Identify the riparian habitat classes applicable to all areas on the property using Table 5.0414(A) and the data identified in subsections 5.014(H)(4)(a)(i) through (iii).

**Table 5.0414(A) - Method for Locating Boundaries of Class I and II Riparian Areas.**

| Distance from Water Feature   | Development/Vegetation Status <sup>1</sup>     |  |  |  |
|---|--|--|--|--|
|   | Developed areas not providing vegetative cover | Low structure vegetation or open soils | Woody vegetation (shrub and scattered forest canopy) | Forest Canopy (closed to open forest canopy) |
| <b><i>SURFACE STREAMS</i></b>                                       |  |  |  |  |
| 0-50'   | Class II                                       | Class I <sup>2</sup>                   | Class I  | Class I                                      |
| 50'-100'  | Not regulated                                  | Class II <sup>3</sup>                  | Class I  | Class I                                      |
| 100'-150'   | Not regulated                                  | Class II <sup>3</sup> if slope>25%     | Class II <sup>3</sup> if slope>25%                   | Class II <sup>3</sup>                        |
| 150'-200'   | Not regulated                                  | Class II <sup>3</sup> if slope>25%     | Class II <sup>3</sup> if slope>25%                   | Class II <sup>3</sup> if slope>25%           |
| <b>Wetlands (Wetland feature itself is a Class I Riparian Area)</b> |  |  |  |  |
| 0-100'  | Not regulated                                  | Class II <sup>3</sup>                  | Class I  | Class I                                      |
| 100'-150'   | Not regulated                                  |  |  | Class II <sup>2</sup>                        |
| <b><i>FLOOD AREAS</i></b>   |  |  |  |  |
| Within 300' of river or surface stream                              | Not regulated                                  | Class I                                | Class I  | Class I                                      |
| More than 300' from river or surface stream                         | <sup>4</sup> Not regulated                     | Class II <sup>3</sup>                  | Class II <sup>3</sup>                                | Class I                                      |
| 0-100' from edge of flood area                                      | Not regulated                                  | Not regulated                          | Class II <sup>3,5</sup>                              | Class II <sup>3</sup>                        |

<sup>1</sup> The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as “forest canopy” the forested area had to be part of a larger patch of forest of at least one acre in size.

<sup>2</sup> Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is “Low structure vegetation or open soils,” and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro’s Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to Metro Overlay No. 05-1077C.

<sup>3</sup> Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

<sup>4</sup> If development prior to the effective date of Metro Overlay No. 05-1077C within a contiguous, undeveloped flood area (to include contiguous flood areas on adjacent properties) that was not mapped as having any vegetative cover has reduced the size of that contiguous flood area to less than one half of an acre in size, then the remaining flood area shall also be considered a developed flood area and shall not be identified as habitat.

<sup>5</sup> Only if within 300 feet of a river or surface stream.

- b. Step 2. Verifying boundaries of inventoried upland habitat in future urban growth boundary expansion areas. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map unless corrected as provided in this subsection.
  - i. Except as provided in subsection 5.0414(H)(4)(b)(ii), vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the area was brought within the urban growth boundary (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
  - ii. The only allowed corrections to the vegetative cover status of a property are as follows:
    - (A) To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as "forest canopy" when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as "forest canopy." The perimeter of an area delineated as "forest canopy" on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the "forest canopy" designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types provided in Section 5.0416 of this Overlay; and
    - (B) To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
  - iii. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to subsection 5.0414(H)(4)(b)(ii)(A) to change the status of an area originally identified as "forest canopy," then such area shall not be considered upland habitat

unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

- c. Step 3. Urban Development Value of the Property. The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
  - i. A property’s urban development value designation shall be adjusted upward if the Metro 2040 Design Type designation for the property lot or parcel has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. 2040 Design Type designations are identified on the Metro 2040 Applied Concept Map (also available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).
  - ii. Properties in areas designated on the 2040 Applied Concept Map as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Inner and Outer Neighborhoods and Corridors are of low urban development value.
  - iii. As designated in Title 13 of Metro’s Urban Growth Management Functional Plan, properties owned by a regionally significant educational or medical facility are designated as high urban development value.
- d. Step 4. Cross-Reference Habitat Class With Urban Development Value. City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables 5.0414(B) and (C).

**Table 5.0414(B) - Method for Identifying Habitat Conservation Areas (“HCA”)**

| <i>Fish &amp; wildlife habitat classification</i> | <i>High Urban development value<sup>1</sup></i> | <i>Medium Urban development value<sup>2</sup></i> | <i>Low Urban development value<sup>3</sup></i> | <i>Other areas: Parks and Open Spaces, no design types outside UGB</i> |
|---|---|---|--|--|
| Class I Riparian                                  | Moderate HCA                                    | High HCA  | High HCA                                       | High HCA / High HCA+ <sup>4</sup>                                      |
| Class II Riparian                                 | Low HCA   | Low HCA   | Moderate HCA                                   | Moderate HCA / High HCA+ <sup>4</sup>                                  |
| Class A Upland Wildlife                           | No HCA  | No HCA  | No HCA   | No HCA / High HCA <sup>5</sup> / High HCA+ <sup>4</sup>                |
| Class B Upland Wildlife                           | No HCA  | No HCA  | No HCA   | No HCA / High HCA <sup>5</sup> / High HCA+ <sup>4</sup>                |

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

<sup>1</sup>Primary 2040 design type: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 design type: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

<sup>3</sup>Tertiary 2040 design type: Inner and outer neighborhoods, Corridors

<sup>4</sup>Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

<sup>5</sup>All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

**Table 5.0414(C) - Method for Identifying Habitat Conservation Areas (“HCA”) in Future Urban Growth Boundary Expansion Areas**

| <i>Fish &amp; wildlife habitat classification</i> | <i>High Urban development value<sup>1</sup></i> | <i>Medium Urban development value<sup>2</sup></i> | <i>Low Urban development value<sup>3</sup></i> | <i>Other areas: Parks and Open Spaces, no design types outside UGB</i> |
|---|---|---|--|--|
| Class I Riparian                                  | Moderate HCA                                    | High HCA  | High HCA                                       | High HCA / High HCA+ <sup>4</sup>                                      |
| Class II Riparian                                 | Low HCA   | Low HCA   | Moderate HCA                                   | Moderate HCA / High HCA+ <sup>4</sup>                                  |
| Class A Upland Wildlife                           | Low HCA   | Moderate HCA                                      | Moderate HCA                                   | High HCA / High HCA <sup>5</sup> / High HCA+ <sup>4</sup>              |
| Class B Upland Wildlife                           | Low HCA   | Low HCA   | Moderate HCA                                   | Moderate HCA / High HCA <sup>5</sup> / High HCA+ <sup>4</sup>          |

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an HCA adjustment.

<sup>1</sup>Primary 2040 design types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 design types: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

<sup>3</sup>Tertiary 2040 design types: Inner and outer neighborhoods, Corridors

<sup>4</sup>Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas.

<sup>5</sup>All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

#### **Section 5.0415 Consistency and Relationship with Other Regulations**

- A. Where the provisions of this Overlay are less restrictive or conflict with comparable provisions of the Gresham Community Development Code, other City requirements, regional, state or federal law, the provisions that are more restrictive shall govern. Where this Overlay imposes restrictions that are more stringent than regional, state and federal law, the provisions of this Overlay shall govern.
- B. Proposed development located near certain streams must also comply with the Floodplain Overlay district standards of Section 5.0100 of the Community Development Code. Streams affected by this overlay are shown on the City's Special Purpose Districts Map.
- C. Proposed development located on sites with slopes of 15% or greater may also be affected by the Hillside Physical Constraint Overlay district provisions of Section 5.0200 of the Community Development Code. This district may impose additional development requirements for sites with ravines and other sloped topographic features.
- D. Development in or near wetlands and streams may require permits from the Oregon Department of State Lands (D.S.L.) and the U.S. Army Corps of Engineers. If a federal permit is required, a water quality certification from the Oregon Department of Environmental Quality may also be required. The Manager shall notify the Department of State Lands and the Army Corps of Engineers when an application for development within streams and wetlands is submitted. Because these agencies may have more restrictive regulations than the City, applicants are encouraged to contact them before they prepare their development plans.
- E. The tree regulations of Section 9.1000 do not apply within HCA areas.

#### **Section 5.0416 Violations**

Actions that violate the HCA regulations, such as removing habitat without having a required HCA permit, are subject to the abatement and penalty provisions of Section 11.0600 of the Gresham Community Development Plan.

In addition, for correcting violations regarding unauthorized removal of habitat, the property owner violator must submit a remediation plan that meets all of the applicable standards of the HCA overlay district. The plan must be developed by a professional landscape architect or natural resource specialist. If one or more of these standards cannot be met then the applicant's remediation plan must demonstrate that there will be:

- A. No permanent loss of any type of resource or functional value;
- B. A significant improvement of at least one functional value; and

- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

### **Section 5.0417 WQRA, Water Quality Resource Area**

The WQRA, Water Quality Resource Area is an area identified by the City of Gresham in order to comply with Title 3 of Metro's Urban Growth Management Functional Plan, Metro Code sections 3.07.310-3.07.370. These areas are shown on Gresham's Title 3 map. When development is proposed within the WQRA, applicants can use either the specific standards of Section 5.0411 of the HCA (those that apply to High rated resources, regardless of classification) or the discretionary standards of Section 5.0412.

The WQRA consists of the protected water feature, either primary or secondary, and the adjacent vegetative corridor. Primary and secondary protected water features are defined below and the required width of the vegetative corridor is indicated in Table 5.0417.

#### Primary Protected Water Features:

- A. Title 3 wetlands (as defined in Title 3 of Functional Plan)
- B. Rivers, streams and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow)
- C. Streams carrying year-round flow
- D. Springs which feed streams and wetlands and that have year-round flow
- E. Natural lakes

#### Secondary Protected Water Features:

These are intermittent streams and seeps downstream of the point at which 50 acres of land area are drained and upstream of the point at which 100 acres of land area are drained to that water feature.

#### Vegetative Corridor Width:

The required width of the vegetated corridor varies according to the type of protected water feature (primary or secondary) and the degree of slope (less or greater than 25%) adjacent to the water feature. Minimum required vegetated corridor widths are specified in Table 5.0417. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the slope of the land adjacent to the water feature, the width of the vegetated corridor will vary.



**TABLE 5.0417 – Water Quality Resource Areas**

| <b>Protected Water Feature Type (see definitions below)</b> | <b>Slope Adjacent to Protected Water Feature</b> | <b>Starting Point for Measurements from Water Feature</b>   | <b>Width of Vegetated Corridor (Required Setback)</b>  |
|---|--|---|--|
| Primary Protected Water Features <sup>1</sup>               | < 25%  | Edge of bankfull stage (“top of bank”) <sup>6</sup> or 2-year storm level; Delineated edge of Title 3 wetland | 50 feet  |
| Primary Protected Water Features <sup>1</sup>               | ≥ 25% for 150 feet or more <sup>5</sup>          | Edge of Bankfull stage <sup>6</sup> or 2-year storm level; Delineated edge of Title 3 wetland                 | 200 feet   |
| Primary Protected Water Features <sup>1</sup>               | ≥ 25% for less than 150 feet <sup>5</sup>        | Edge of bankfull stage <sup>6</sup> or 2-year storm level; Delineated edge of Title 3 wetland                 | Distance from starting point of measurement to top of ravine (break in >25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup> |
| Secondary Protected Water Features <sup>2</sup>             | < 25%  | Edge of bankfull stage <sup>6</sup> or 2-year storm level; Delineated edge of Title 3 wetland                 | 15 feet  |
| Secondary Protected Water Features <sup>2</sup>             | ≥ 25% <sup>5</sup>                               | Edge of bankfull stage <sup>6</sup> or 2-year storm level; Delineated edge of Title 3 wetland                 | 50 feet  |

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50-100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope.

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50 feet for primary protected features, or in excess of 15 feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

<sup>6</sup> “Bankfull Stage” (top of bank) is defined in OAR 141-85-010 (definitions for Removal/Fill Permits) as the stage or elevation at which water overflows the natural banks of a stream or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrent flood elevation may be used to approximate the bankfull stage.

## **Section 5.0500**

### **Open Space Overlay District**

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#### General

5.0501 Introductory Provisions

#### Open Space Dedication

5.0510 Open Space Dedication

5.0511 Public Open Space Criteria

5.0512 Private Open Space Criteria

#### Permitted Uses

5.0520 Permitted Land Uses

5.0521 Residential Density Transfer Credit

#### Development Requirements

5.0530 Site Development Requirements

5.0531 Design Standards and Supplementary Regulations

5.0532 Conservation of Open Space

### **General**

#### **5.0501 Introductory Provisions**

Provisions of this section apply to all areas designated as Open Space Overlay District (OS) on the Community Development Special Purpose District Map. Designation of OS sites is based on the Inventory of Significant Natural Resources and Open Spaces adopted as an appendix to the Community Development Plan. It is the purpose of the OS district is to conserve undeveloped and landscaped areas that reduce air pollution and enhance the value of adjacent property, to enhance the value to the public of public parks, public urban plazas, public trails, public open spaces, natural areas and public school sites, to enhance recreation opportunities, and to promote orderly urban development.

### **Open Space Dedication**

#### **5.0510 Open Space Dedication**

The Manager may accept the dedication of open space in connection with a development proposal for the purpose of off-setting the payment of parks system development charges, as provided in Article 6.15, System Development Charges, Gresham Revised Code. This acceptance of dedicated open space shall take place under the Type I procedure when the property to be dedicated is identified as an Open Space or Natural Resource site in the Inventory of Significant Natural Resources and Open Spaces. For all other areas, the acceptance of dedicated open space shall take place under the Type II procedure.

### **5.0511 Public Open Space Criteria**

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

- (A) The potential costs associated with the maintenance of the area will not exceed the recreational value of the open space to the public.
- (B) The area will meet a need identified in the Gresham Parks Development Plan.
- (C) The open space area will not exhibit features that represent an obvious hazard to users or create a significant liability for the City.
- (D) The open space area will link parks, neighborhoods, schools, or community activity centers or it will provide continuity within an existing greenway or planned greenway corridor.
- (E) The open space area is in a usable location to serve passive or active recreational needs. Active park areas shall be located in accordance with the Gresham Parks Development Plan Map.
- (F) The open space area has sufficient width and suitable topography to accommodate pedestrian or bicycle trails.
- (G) The open space area will provide special opportunities for a nature trail, scenic walkway, exercise circuit, or other special purpose trail.
- (H) The open space area will conserve any of the following natural resources or features:
  - (1) Fish and wildlife habitat;
  - (2) Water resources, streams, drainageways, ponds, lakes, flood plains, or wetlands;
  - (3) Natural vegetation, stands of trees, or forest areas;
  - (4) Scenic views and landscapes, such as forested hills and ravines;
  - (5) Geologic features;
  - (6) Ecologically and scientifically significant areas, such as Hogan Cedars; or
  - (7) Hazardous slopes greater than 35 percent.
- (I) The open space area represents an historical or culturally significant site.

### **5.0512 Private Open Space Criteria**

The City shall permit a development proposal that includes private open space if it meets the following criteria:

- (A) Portions of the land are sufficiently improved to offer active or passive recreational opportunities;
- (B) The proposal would not interfere with the continuity of an existing or planned public greenway corridor;
- (C) An Open Space easement in accordance with Section 9.0304 is recorded; and
- (D) A Homeowner's Association or other mechanism acceptable to the Manager shall be formed for the maintenance and control of the private open space. The by-laws or similar instrument shall also include a financial mechanism that insures maintenance of the property.

## Permitted Uses

### **5.0520 Permitted Land Uses**

- (A) The following Community Service uses:
- (1) Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities, and other facilities required for the transmission of power or communications
  - (2) Sewerage or drainageway system structures, including but not limited to pump stations, or sewage or storm water treatment plants
  - (3) Water system structures, including but not limited to treatment plants, storage reservoirs, pump stations, or other major facilities associated with the supply or distribution of water
  - (4) Emergency service facility such as a fire station or ambulance service
  - (5) Public urban plazas, public neighborhood parks, public community parks, public walking/hiking trails and public multi-use paths
  - (6) Public greenway
  - (7) Cemeteries
  - (8) Portable classroom for public schools
  - (9) Public or private elementary school academically accredited by the State of Oregon
  - (10) Public or private high school or college academically accredited by the State of Oregon
  - (11) Golf course
- (B) Community private recreational uses such as bicycle and pedestrian paths, play areas, athletic fields and private open space.
- (C) Temporary uses.

### **5.0521 Residential Density Transfer Credit**

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

## **Development Requirements**

### **5.0530 Site Development Requirements**

Site development standards including minimum lot size and dimensions, minimum yard setbacks, and maximum building height shall be as specified for the underlying Plan Map District designation, except as may be modified for Community Service uses, under Section 8.0100.

### **5.0531 Design Standards and Supplementary Regulations**

All uses permitted in the OS district shall be designed in conformance with applicable provisions and requirements of the Community Development Code.

### **5.0532 Conservation of Open Space**

The design and development of any use permitted in the OS district shall take place in such a manner as to limit to the maximum extent possible the intrusion of buildings, off-street parking areas, and driveways into natural areas and areas of the site which are landscaped or in recreational use.

# Article VI Land Divisions

## Section 6.0000 Introductory Provisions

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### General

6.0001 Purpose and Authority

### Lot Design Standards

6.0010 Lot Arrangement

6.0011 Lot and Parcel Configuration

6.0012 Lots in Excessively Sloped Areas

6.0013 Lot of Record

### Condominiums

6.0020 Condominiums

## General

### **6.0001 Purpose and Authority**

No land may be divided without first obtaining a development permit.

- (1) No land or ownerships may be divided prior to approval of a partition or subdivision in accordance with this code. If a development permit application to divide land is submitted that does not involve other proposed development, the application shall state an intended form of future development for the resulting land parcels. This intended future development will then be processed along with the land division processing just as though the applicant were intending to proceed with the further development.
- (2) A land division is processed by approving a tentative plan prior to approval of the final plat. If there is compliance with the approved tentative plan, the Manager may approve final plats for land divisions under the Type I procedure.
- (3) An application for an expedited land division will be processed in accordance with the provisions of ORS 197.360 through 197.380.
- (4) In addition to meeting applicable land division application requirements, a subdivision proposal within the LDR District that includes one or more lots of less than 6,000 square feet shall be applied for and processed as a Planned Development (PD), pursuant to Section 6.0300.

## Lot Design Standards

### **6.0010 Lot Arrangement**

The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of the Gresham Development Code.

### **6.0011 Lot and Parcel Configuration**

- (A) Lots and parcels created through the subdivision and partition process shall be rectilinear. Irregular shaped lots and parcels are not allowed, except at the discretion of the Manager when based upon existing parent lot or parcel shape. Exceptions shall not be granted to comply with minimum lot size requirements or minimum setback requirements for existing structures.
- (B) Split-zoned Lots
  - (1) When a single development site is split by two or more residential land use districts (as described in Article IV, Section 4.0100), the creation of lots or parcels through the subdivision and partition process or the adjustment of lots through the lot line adjustment process that have more than one land use district is not allowed unless the applicant demonstrates to the satisfaction of the Manager that a logical lotting pattern is not feasible without creating split-zoned lots or parcels.
  - (2) If the Manager determines a logical lotting pattern is not feasible, the applicant may create lots or parcels split by two or more land use districts as long as all split lots or parcels comply with the standards of the least intensive land use district applied to the split lots. For the purposes of this section, least intense to most intense is: LDR-7, LDR-5, TR, TLDR, MDR-12, MDR-24.

### **6.0012 Lots in Excessively Sloped Areas**

Development permit requests in areas exceeding 15% slope may be developed in accordance with the provisions of the underlying district and Section 5.0200, and if applicable, Section 6.0300.

### **6.0013 Lot of Record**

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

## **Condominiums**

### **6.0020 Condominiums**

- (A) A request to create condominiums shall be reviewed under the Type II Procedure.
- (B) The applicant shall submit all necessary documents and plat copies following the applicable requirements of Section 6.0400 of this document and applicable sections of ORS 94.550 to 94.785, ORS Chapter 100, and the platting requirements of ORS Chapter 92.
- (C) Public improvements must comply with the standards of Appendix 5.000.
- (D) Plat recording shall not occur until the County Recording Officer has received a written approval from the Manager establishing compliance of the proposal with all applicable City of Gresham Development Codes.
- (E) Condominium conversions must comply with Section 10.0400.



## **Section 6.0100**

### **Lot Line Adjustments and Lot Consolidations**

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#### General

6.0101 Lot Line Adjustments and Lot Consolidations

#### Submittal Requirements for Lot Line Adjustments and Lot Consolidation

6.0110 Submittals for Lot Line Preliminary Plans

6.0111 Lot Line Adjustment - Final Survey Map

#### **General**

#### **6.0101 Lot Line Adjustments and Lot Consolidations**

Lot line adjustments and lot consolidations shall be processed under the Type I procedure and shall be approved by the Manager provided that the adjusted lots comply with the applicable requirements of the Community Development Code with the exception of Sections 5.0100, 5.0210, 5.0300, 5.0400, 5.0500, 9.0100, and 9.0500 and Appendix 5.000-- Public Facilities Standards. If the lot line adjustment application is processed with another development application, all the applicable requirements of the Community Development Code shall apply.

#### **Submittal Requirements for Lot Line Adjustments and Lot Consolidation**

#### **6.0110 Submittals for Lot Line Adjustment Preliminary Plan**

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

- (A) A north arrow.
- (B) The location of the preliminary plan by Section, Township and Range, and a legal description sufficient to define the location and boundaries of the proposed tract to be adjusted.
- (C) Names, addresses and telephone numbers of the owner(s) of the property or applicant(s), the surveyor or engineer.
- (D) The date of the plan preparation.
- (E) Existing streets: The locations, names, and right-of-way widths.

- (F) Future Streets: The pattern of future streets from the boundary of the property to include other tracts within 600 feet surrounding and adjacent to the property unless a future street plan has been adopted.
- (G) Access: The locations and widths of existing and proposed access points.
- (H) Utilities: The location of all existing and proposed public and private storm sewers, sanitary sewers, and waterlines on or abutting the property.
- (I) Dimensions: Lengths (in feet) of existing and proposed lot lines.
- (J) Size: All existing and proposed lot parcel and tract sizes in either square feet or acres.
- (K) Easements: The locations, widths, and purposes of all existing and proposed easements on and abutting the property. Existing easements should reference Book and Page of Multnomah County records.
- (L) Existing uses: Scaled location (dimensions from property lines) and present uses of all structures.
- (M) Along with the preliminary plan, the following should be submitted: Supplemental information: All agreements with local governments that affect the land and proposed use of the property, if applicable.

#### **6.0111 Lot Line Adjustment - Final Survey Map**

The applicant shall submit three paper copies of the final survey map and adjusted legal descriptions. Additional copies may be required if deemed necessary. The final map shall comply with the approved preliminary plan and shall comply with the applicable requirements of ORS Chapters 92 and 209. The approved final map, along with the deeds transferring ownership, must be recorded with Multnomah County Deed Records.

## **Section 6.0200**

### **Partitions and Subdivisions**

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#### Submittal Requirements for Partitions and Subdivisions

- 6.0201 Tentative Partition or Subdivision Plan
  - 6.0202 Partitions and Subdivisions - Tentative Plan Submittal
  - 6.0203 Additional Materials
- #### Tentative Land Division Approval Criteria
- 6.0210 Criteria for Approval of Tentative Plan
  - 6.0211 Phased Subdivision

### **Submittal Requirements for Partitions and Subdivisions**

#### **6.0201 Tentative Partition or Subdivision Plan**

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

#### **6.0202 Partitions and Subdivisions -Tentative Plan Submittal**

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

- (A) Adjacent property boundaries and abutting land uses.
- (B) A north arrow.
- (C) The location of the Tentative Plan by Section, Township and Range, and a legal description sufficient to define the location and boundaries of the proposed tract to be divided.
- (D) Names, addresses, and telephone numbers of the owner(s) of the property, or applicant(s), the engineer or surveyor.
- (E) The date of the plan preparation.
- (F) Existing and proposed streets and alleys: The locations, pavement widths, rights-of-way width, approximate radius of curves, and street grades. Existing streets shall be identified by name. When there are existing dual names, the preferred City name shall be dominant, with any other alias shown in parentheses. Proposed new streets and alleys shall be identified on the tentative plans and correspondingly on other preliminary drawings as “proposed Street A”, “proposed Street B,” “proposed Street C”, “proposed public alley”, etc. Public alleys shall not be assigned a name or number, but should be indicated as a public alley. All street identification shall be oriented on the plat so as to be consistent and readable without turning the plat in multiple directions.

- (G) Future streets: The pattern of future streets from the boundary of the property to include other tracts within 600 feet surrounding and adjacent to the property when a future street plan is required under Section 9.0700.
- (H) Access: The locations and widths of existing and proposed access points including shared access.
- (I) Easements: The locations, widths, and purposes of all existing and proposed easements on and abutting the property. Existing easements should reference Book and Page of Multnomah County records.
- (J) Utilities: The location of all existing and proposed public and private storm sewers, sanitary sewers and water lines on and abutting the property.
- (K) Slope Analysis Map: Ground elevations shown by contour lines at two foot intervals for ground slopes of less than 15% and by contour lines at ten foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary bench mark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.

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

The slope categories identified shall be:

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

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

The Slope Analysis Map shall also include:

- (1) The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights-of-way.
  - (2) Lot and parcel building areas or specified building envelopes.
  - (3) Utility lines or other facilities and utility easements not included in street rights-of-way.
- (L) Wooded areas: Location of all trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree; or, when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant trees or grove.

- (M) Flood areas: The location of the 100 year floodplain and other areas subject to flooding or ponding.
- (N) Lot and parcel dimensions: The approximate dimensions of all existing and proposed lots and parcels.
- (O) Lot and parcel numbers: Parcel numbers for partitions and lot numbers and blocks for subdivisions.
- (P) Lot and parcel size: All proposed sizes in either square feet or acres.
- (Q) Existing uses: Scaled location and present uses of all structures. Indicate if the structure is to be removed, demolished or if it is to remain on the site.
- (R) All tracts of land intended to be deeded or dedicated for public use.
- (S) Identify all lots intended for single family attached dwellings, two-unit attached dwellings and a pre-existing dwelling (if not included in average lot size calculation). Identify any “left-over” parcel as provided for in Section 4.0131(A)(3).
- (T) Zero lot line residential developments: All side yard setbacks shall be clearly indicated on the plan.
- (U) Special purpose districts: The location and dimensions of all special district(s) which are located on the property.
- (V) Planned Development:
  - (1) Lot building area and yard setback lines.
  - (2) Areas and location of proposed common open space areas -- public and private.
  - (3) Natural features identified in Section 6.0323(B) of the Community Development Code.
- (W) ESRA-PV and ESRA-SW: The location and dimensions of all ESRA-PV or ESRA-SW located on the site.

### **6.0203 Additional Materials**

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

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

## **Tentative Land Division Approval Criteria**

### **6.0210 Criteria for Approval of Tentative Plan**

In approving a tentative land division plan, the approving authority shall find compliance with the relevant portions of the Community Development Code and the following:

- (A) Development of any remainder of property under the same ownership can be accomplished in accordance with this code.
- (B) Adjoining land can be developed or is provided access that will allow its development in accordance with this code.

### **6.0211 Phased Subdivision**

The approval authority may authorize a time schedule for platting a subdivision in phases. Each phase may be for a period of time in excess of one year but the total time period for all phases shall not be greater than five years without resubmission of the tentative plan. Each phase so platted and developed shall conform to the applicable requirements of this code. The first phase of an LDR subdivision shall conform to average lot size requirements without consideration of subsequent phases. Later phases of an LDR subdivision shall conform to average lot size requirements consistent with previous platted phases and the average lot size standards. Portions platted after the passage of one year shall be required to have modifications if necessary to avoid conflicts with a change in the Community Development Plan.

## **Section 6.0300 Planned Developments**

### General

6.0301 Purpose

6.0302 Applicability

6.0303 Types of Planned Developments (PDs)

### Submittal Requirements

6.0310 PD Tentative Plan Submittal Requirements

6.0311 PD Tentative Plan Approval Criteria

6.0312 Modification of Tentative PD Plan Approval

### Development Standards

6.0320 Site Development Requirements

6.0321 Exception to Site Development and Zoning Standards

6.0322 PD Density Transfer for sites with Hillside Overlay District

6.0323 PD Density Credit for Natural Resources Overlay District Property

6.0324 Open Space Areas

6.0325 Streets, Public or Private Status

6.0326 Street Trees

6.0327 Required Buffers and Transitioning

6.0328 Final PD Plat

6.0329 Additional Standards for Large Lot PDs

## General

### **6.0301 Purpose**

The purpose and intent of this Section is to allow an alternative to the traditional subdivision that encourages conservation of natural features by relating design to the existing landscape, efficient use of land and public services (particularly but not limited to situations where the existence of slopes, drainageways, or other natural features may preclude traditional subdivision design), and the creation of public and private common open space. A Planned Development (PD) is such a method of applying alternative development standards for residential developments.

### **6.0302 Applicability**

PD's shall be permitted for residential-only partition and subdivision developments in any of the following residential zones that permit residential development: VLDR-SW, LDR-5, LDR-7, TLDR and TR. Only those housing types permitted as allowed uses in each district shall be allowed in PDs.

### **6.0303 Types of PDs**

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

## **Submittal Requirements**

### **6.0310 PD Tentative Plan Submittal Requirements**

Applications for tentative plans for PDs shall meet the submittal requirements for partitions and subdivisions as provided in Section 6.0200, of the Community Development Code. In addition, PDs that include elements that require Site Design Review under Section 7.0001 shall submit for the Site Design Review, following the submittal requirements of Section 7.0100, concurrent with the PD application. Such applications shall also include a conservation/maintenance plan for all proposed private open space areas, taking into consideration the intent that all natural open space areas be left in a natural condition with only minimal maintenance activity provided. This plan shall also provide high priorities for tree and riparian preservation, show minimal disturbance of steep slopes, and clearly distinguish between natural and landscaped/improved open space areas. See Section 3.0010 for additional elements included within a Conservation/Maintenance Plan.

### **6.0311 PD Tentative Plan Approval Criteria**

An application for a tentative PD plan approval shall be made in conjunction with an application for Land Division under Section 6.0200 of the Community Development Code, except that it shall be processed under the Type III procedures. In approving a tentative PD plan, the approving authority shall find compliance with the applicable sections of the Community Development Code.

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

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

### **6.0312 Modification of Tentative PD Plan Approval**

Modification of the tentative PD plan approval shall be made under the Type II procedures unless it involves any of the following, in which case it shall be processed under the Type III procedures used for the tentative PD plan approval:

- (A) An increase in the number of dwelling units approved as part of the tentative plan.
- (B) A change in the mix of dwelling types.
- (C) A reduction in the amount of approved open space area by 5% or more. In no case, except by Type III variance, shall the amount of land designated as open space fall below 25% of the gross land area within the PD if there is no specified Special Purpose overlay district designation; 30% of the gross land area within the PD if there is a Flood Plain, Hillside Physical Constraint, Open Space, or Habitat Conservation Area Overlay District overlay designation.



## **Development Standards**

### **6.0320 Site Development Requirements**

- (A) Site development standards of the underlying land use district, including maximum and minimum density standards, shall apply unless superseded by the standards of the PD Section or applicable Overlay District. The regulations of the PD Section shall prevail if there is a conflict.
- (B) The regulations of the PD Section shall apply unless superseded by the standards of the Overlay Districts in Article V. The regulations of the Overlay District(s) shall prevail if there is a conflict.
- (C) Community services developed in conjunction with a residential PD shall be subject to the provisions of Sections 8.0100 and 7.0000. Such reviews would occur concurrently with the PD.
- (D) Attached single-family dwellings (rowhouses or townhouses) and two-unit attached dwellings (duplexes) are not allowed in the LDR-5 or LDR-7 Districts.
- (E) Single family attached dwellings are required to comply with the site design review process and standards of Section 7.0201 at the same time (concurrently) as the PD review.

### **6.0321 Exception to Site Development and Zoning Standards**

Exceptions to the following site development standards of the underlying land use district or applicable special purpose district provisions may be approved in accordance with this Article:

- (A) Design Performance Standards Exemption: The Safe Neighborhood Design Performance Standards do not apply.
- (B) Table 6.0321 indicates overall limits for adjusting the underlying district dimensional standards dependent upon housing type.

**Table 6.0321  
Standards Allowed For PD**

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

|  | <b>Detached Dwelling Unit<sup>6</sup></b>                        | <b>Single Family Attached Dwelling Units (multiple lots)<sup>7</sup></b> | <b>Two-unit Attached Dwelling Units (one lot)<sup>8</sup></b> |
|--|--|--|---|
| <b>Standards</b>                               |  |  |   |
| Minimum Site Size                              | None   | None   | None  |
| Minimum Lot Size                               | 3500 s.f. (use underlying district standards for perimeter lots) | See underlying district  | See underlying district                                       |
| Density Range <sup>1</sup>                     | See underlying district  | See underlying district  | See underlying district                                       |
| Maximum Number of Attached Units Per Structure | N/A  | 4  | N/A   |
| Minimum Lot Dimensions <sup>2</sup>            | None   | None   | None  |
| Minimum Yard Setbacks – Interior Lots          | 3 feet   | 0 feet <sup>3</sup>  | 0 feet <sup>3</sup>   |
| Minimum Yard Set-backs – Perimeter Lots        | See underlying district  | See underlying district  | See underlying district                                       |
| Minimum Building Height                        | See underlying district  | See underlying district  | See underlying district                                       |
| Maximum Building Height                        | 40 feet (35 feet for perimeter lots)                             | 45 feet or underlying district <sup>4</sup>                              | 45 feet or underlying district <sup>4</sup>                   |
| Minimum Street Frontage                        | None   | None   | None  |
| Minimum Lot Width/Depth Ratio                  | None   | None   | None  |
| Maximum Lot Coverage                           | 70%  | 70%  | 70%   |
| Building Separation                            | Per Building Code  | Per Building Code  | Per Building Code   |
| General Lot Utility Easements <sup>5</sup>     | None   | None   | None  |

<sup>1</sup>Developments subject to Overlay Districts may also be restricted in density as per those Districts.

<sup>2</sup>It shall be demonstrated for each lot that there is a building area of adequate space to accommodate the proposed dwelling type.

<sup>3</sup>Structures with zero lot lines and/or common wall construction are subject to appropriate building and fire code standards at the time of building permit application.

<sup>4</sup>Whichever is greater.

<sup>5</sup>It shall be demonstrated that general utilities such as electric and telephone lines can be accommodated and, if necessary, utility easements shall be provided.

<sup>6</sup>Cottage units may be allowed in LDR-5 and TLDR as part of a PD.

<sup>7</sup>Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW.

<sup>8</sup>Two-unit attached dwelling units (duplexes) are not allowed in LDR-5 or LDR-7 as part of a PD.

**6.0322 PD Density Transfer for Sites with Hillside Overlay District**

To encourage the development of PDs in Hillside Overlay District areas, a density transfer shall be provided.

**Table 6.0322  
PD Density For Hillside Overlay District Property**

| <b>In areas of the lot(s) or parcel(s) that are:</b> | <b>Percentage of maximum density from underlying zone:</b> |
|--|--|
| 0% - 15% slope                                       | 100%   |
| 15% - 25% slope                                      | 35%  |
| 25% - 35% slope                                      | 20%  |
| 35%+ slope   | 1 dwelling unit per acre*                                  |

Note: For slope calculation method, see Hillside Physical Constraint Overlay District, Section 5.0210(A), Submittal Requirements – Slope and Density Map. For sites with property within the Habitat Conservation Area Overlay District, see Section 6.0323.

There is no average lot size requirement. However, the total number of dwelling units proposed for the entire PD shall be no less than 80% of the minimum allowed density on those portions of the property that have slopes less than 15% in grade with the exception of large lot PDs as provided in Section 6.0329. Refer to the Hillside Overlay District (Section 5.0200) for other applicable development standards.

\*This unit must be transferred to another portion of the ownership with less than 35% slopes. No dwelling units shall be constructed on slopes over 35%, except as provided under Section 5.0222(F).

**6.0323 PD Density Credit for Habitat Conservation Area Overlay District Property**

To help preserve Habitat Conservation Area, a credit of 2 units per acre is provided for any portion of the proposed PD property that is designated by the Habitat Conservation Area Overlay District. Credited units, if utilized by the development, must be transferred to non-Habitat Conservation Area designated portions of the PD property. Property areas designated Habitat Conservation Area cannot be included in the overall density calculations for the project property and may only be used in accordance with provisions of the Habitat Conservation Area Overlay District (Section 5.0400). The credit for Habitat Conservation Area lands is rounded down to the nearest whole unit and is added to the maximum number of units determined to be allowed for the net property area.

Note: Net density is that density that can be determined after subtracting Habitat Conservation Area designated areas from the gross property area and calculating the density of the net area remaining.

## **6.0324 Open Space Areas**

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

- (A) For sites with no specified Special Purpose Overlay District designation as per subsection (B), a minimum of 25% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. Improved open spaces shall be subject to the applicable provisions of Section 7.0200 for those PDs subject to Site Design Review.
- (B) For sites with a Hillside Physical Constraint, Open Space Overlay, or Habitat Conservation Area Overlay District designation, a minimum of 30% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. Open space that conserves steep slopes and/or natural areas shall allow limited access to preserve its natural features.
- (C) Proposed natural open space areas shall be located to maximize the preservation of the features identified in subsection (G).
- (D) The open space areas may be either public open space or private common open space.
  - (1) Public open space must comply with requirements of Section 5.0500 of the Community Development Code.
  - (2) Private open space shall comply with the following criteria:
    - (a) Open space easements transferring development rights are dedicated to the public;
    - (b) A conservation/maintenance plan is provided; and
    - (c) There is a financial mechanism that ensures maintenance of any private open space area.
- (E) The approval authority may approve the dedication of open space areas or of open space easements in concurrence with an approved phased land division.
- (F) Open space areas that are not located in a Special Purpose Overlay District may be improved with active recreation uses or landscaping/passive recreation uses. Active recreation areas shall include, but are not limited to: swimming pools; tennis, basketball, volleyball and badminton courts; children's play areas; baseball and soccer fields, etc. Landscaping or passive recreation uses shall include, but are not limited to: picnic and barbecue facilities; reflection parks; lawn and other landscaped areas; and community gardens, etc. Active open space areas shall be of a sufficient size for the proposed active use. Active and passive open space areas shall be made accessible to all residents of the development.
- (G) Proposed open space areas shall be located so as to encourage the conservation of natural features and the protection of steep slopes. The following topographic features, natural resources and other features shall be mapped and identified as part of the application:
  - (1) Significant natural and cultural features:
    - (a) Water resources, streams, drainageways, ponds, lakes, fish habitat or wetlands;
    - (b) Historically or culturally significant sites;
    - (c) Ecological or scientifically significant areas, such as Hogan Cedar trees;
    - (d) Significant trees and significant tree groves;
    - (e) Land areas within the Habitat Conservation Area Overlay District;
    - (f) Land areas with slopes greater than 35%.

- (2) Other natural features:
  - (a) Trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree;
  - (b) Geologic features;
  - (c) Scenic views and landscapes;
  - (d) Significant wildlife habitat.

#### **6.0325 Streets, Public or Private Status**

All PD proposals shall include a future street/neighborhood circulation plan as per Section 9.0700. Streets provided within a PD shall be public streets, unless it is determined by the City that neighborhood street connectivity is not necessary for the provision of access through the PD to other properties, either for purposes of public safety and/or efficiency of traffic circulation and access. Private streets may be allowed within a PD if the future street/neighborhood circulation plan demonstrates that connectivity is not necessary through the PD to other properties (as described above), and, the applicant can demonstrate how on-going maintenance of the private streets will be provided for. All streets shall be designed and constructed according to applicable standards of Appendix Section A.5.400-Streets and the Public Works Standards document.

#### **6.0326 Street Trees**

Street trees shall be provided for all streets within a PD following the standards of Sections 9.1020-9.1022 of the Community Development Code.

#### **6.0327 Required Buffers and Transitioning**

PDs are not exempt from applicable buffer provisions of Section 9.0100. However, natural and landscaped open space areas may substitute for required buffers via the alternative buffer plan provision of Section 9.0110(F)(3). The transitioning of housing types (lower to higher bulk, scale and density) is required at the perimeter of PD's regardless of whether or not a buffer is required by Section 9.0100. Buffer or transition variations may be considered as part of alternative buffer plan proposals.

#### **6.0328 Final PD Plat**

Final plats for a PD shall follow the standards, process, and timelines of Section 6.0400, Land Division Final Plat Requirements.

#### **6.0329 Additional Standards for Large Lot PDs**

- (A) Large Lot PDs are not limited to just areas covered by Physical Constraint Districts. In case of conflicts in standards, the more restrictive standards shall apply, with the exception of (D) below, which applies in any case.
- (B) When clustering and/or attached housing are not proposed and site grading will not exceed the 35% of site limit (if Hillside) as per Section 5.0223, the open space designation requirement is not required for Large Lot PDs. However, buffering or transition measures for compatibility purposes may be required by the review body for portions of Large Lot PDs, whether in Hillside areas or not, adjoining other developed areas.

- (C) A minimum site size of 2 acres is required for establishment of a Large Lot PD.
- (D) Large Lot PDs are not required to comply with minimum density or maximum lot size standards. Large Lot PDs shall, however, have a minimum average lot size that is the same or greater than at least twice the minimum density standard of the primary land use district where proposed. For example, the minimum average lot size in LDR-5 for a Large Lot PD would be 14,000 square feet per lot and in TLDR it would be 8,712 square feet per lot.
- (E) All PD requirements (except as authorized above) are still in effect for Large Lot PDs.

## **Section 6.0400**

### **Land Division Final Plat Requirements**

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#### Submittal Requirements

- 6.0401 Surveys Required
- 6.0402 Final Plat - Complete Submittal
- 6.0403 Partitions and Subdivision - Final Plat
- 6.0404 Approval Signatures for Final Subdivision Plat
- 6.0405 Approval Signatures for Final Partition Plat

#### Approval Timeline

- 6.0410 Tentative Plan Expiration Date
- 6.0411 Reinstatement of Tentative Plan Approval Status
- 6.0412 Effective Date for Final Plat Approval
- 6.0413 Final Plat Extension for Public Purpose

### **Submittal Requirements**

#### **6.0401 Surveys Required**

All land divisions and lot line adjustments shall be surveyed and monumented in compliance with ORS Chapters 92 and 209. Parcels and tracts adjusted or created greater than 10 acres in size shall also be subject to these requirements. An applicant may submit final plat for review by the County Surveyor concurrent with City review.

#### **6.0402 Final Plat - Complete Submittal**

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

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

Development Code. Construction drawings and/or additional plat sheets shall show the location of any collective mail boxes as approved by the Post Office and the Planning Department.

- (G) In a PD, additional plat sheets that show a Street Tree Plan consistent with the Tentative Plan approval.

#### **6.0403 Partitions and Subdivisions - Final Plat**

- (A) The applicant shall submit three (3) originals of the final plat on 7 mil mylar that complies with ORS Chapters 92 and 209 on a material and of a size required by the Multnomah County Surveyor. The applicant shall also submit ten paper copies of the final plat. Additional copies may be required if deemed necessary. The final plat shall comply with the Tentative Plan conditions of approval. The following data requirements, if applicable, shall also be shown on the final plat.
  - (1) All tracts of land intended to be deeded or dedicated for public use;
  - (2) Street names as approved by the Manager on the preliminary final plat copies in accordance with the City of Gresham Street Naming and Property Addressing Guidelines;
  - (3) Any non-access strips.
- (B) A final subdivision or partition plat shall be submitted to the Manager for final approval under the Type I procedure prior to expiration of the tentative plan pursuant to Section 6.0410. Within 20 days of submission, the Manager shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this code. If the Manager determines that the material does not conform, the applicant may make corrections prior to issuance of a final decision.
- (C) The Manager shall approve a final subdivision or partition plat when the plat conforms with the approved tentative plan, other applicable requirements of this code and the following are submitted:
  - (1) Lands to be deeded or dedicated for public use are provided for on the final plat or on separate documents.
  - (2) An approved guarantee of completion for public improvements.
  - (3) An approved grading and drainage plan.
  - (4) Approved public facility construction drawings.
- (D) When the Manager determines that the plat conforms, the Manager shall sign and date the plat if the other requirements for a development permit have been fulfilled. The submitted final plat shall be deemed denied if not signed by the Manager within one year of final plat submittal.
- (E) A final condominium plat may be approved by the Manager when all criteria of subsection (C) are met and when the condominium plat meets applicable ORS provisions for Condominium Platting.
- (F) Prior to City signature, all street names on the Final Plat shall conform to the City of Gresham Street Naming and Property Addressing Guidelines and the City of Gresham Development Code.

#### **6.0404 Approval Signatures for Final Subdivision Plat**

Following the review and Manager's approval of a subdivision plat, the applicant shall take the following actions:

- (A) Obtain the approval signature on the final subdivision plat of the surveyor serving the City certifying that the subdivision plat complies with applicable survey laws. Before certifying, the



surveyor may make field investigations to verify that the plat survey is sufficiently accurate. If the surveyor determines that subdivision plat does not comply, the applicant shall make corrections. When the surveyor determines that the plat conforms, the surveyor shall sign and date the plat.

- (B) As required by ORS 92.090, obtain the approval signature on the final subdivision plat of the board of directors, or board's delegate, of any irrigation district, drainage district, water control district, or district improvement company if the subdivision is within such district.
- (C) Obtain the approval signatures on the final subdivision plat of the directors certifying that the plat is approved.
- (D) Obtain the approval signature on the final subdivision plat of the county assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
- (E) File a statement of water right, and if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
- (F) Deliver the approved subdivision plat and accompanying documents to the County Recorder for recording.
- (G) Return a mylar of the recorded plat to the City for filing.

#### **6.0405 Approval Signatures for Final Partition Plat**

Following review and Manager's approval of a final partition plat, the applicant shall take the following actions:

- (A) Obtain the approval signature on the final partition plat by the surveyor serving the City certifying that the final partition plat complies with all applicable survey laws. Before certifying, the surveyor may make field investigations to verify that the plat survey is sufficiently accurate. If the surveyor determines that the partition plat does not comply, the applicant shall make corrections. When the surveyor determines that the plat conforms, the surveyor shall sign and date the plat.
- (B) File a statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
- (C) Deliver the approved final partition plat and accompanying documents to the county recorder for recording.
- (D) Return a mylar of the recorded plat to the City for filing.

### **Approval Timeline**

#### **6.0410 Tentative Plan Expiration Date**

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

#### **6.0411 Reinstatement of Tentative Plan Approval Status**

- (A) Prior to the expiration date of a tentative plan extension the Manager may, upon written request of the applicant, assign an inactive status to the tentative plan.
- (B) An inactive plan may have its tentative plan approval status reinstated, under the Type II procedure, if the plan is found to be consistent with the following criteria:
  - (1) There have been no changes in the Community Development Code that would necessitate a modification of the tentative plan;
  - (2) The facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan; and
  - (3) There are no other development approvals that would be affected.
- (C) If the tentative plan approval status is reinstated the applicant shall comply with the City's final plan technical information requirements in effect at the time of reinstatement. A land division that has been reinstated shall be recorded with Multnomah County within three years from the date the inactive status was granted.

#### **6.0412 Effective Date for Final Plat Approval**

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

#### **6.0413 Final Plat Extension for Public Purpose**

Prior to the expiration of a tentative land division plan under either Section 6.0211 or Section 6.0410 and upon application by the applicant, the Manager may extend the expiration date of the tentative plan for an additional six months under the Type 1 procedure. This six-month extension is in addition to the six-month extension allowed by Section 6.0410 for a non-phased subdivision to be platted, or in addition to the five years allowed by Section 6.0210 for all phases of a phased subdivision to be final platted. A written finding must accompany the decision that demonstrates that the property (or portion) has been under an option for acquisition as public open space or for a public facility-related purpose by the City of Gresham, other governmental agency or by a non-profit organization that is registered with the State of Oregon, for at least six months of the period allowed for the filing of the final plat. In the case of a non-profit organization, the City Council or a City department must support the proposed acquisition. Under the same procedure and for the same purposes, the Manager may extend the expiration date of the tentative plan for a second six-month period upon a written finding that the property (or portion) has been under the same option for at least one year of the period allowed for the filing of the final plat by Section 6.0211 or 6.0410.

# Article VII

## Site Design Review

### Section 7.0000

#### Purpose and Authority

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#### General

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

#### General

##### **7.0001 Site Design Review Requirements**

- (A) General Provision: Various degrees of site review are required by provisions of this code. Applications subject to site design review shall be considered by the Manager under the Type II procedure.
- (B) Applicability of Requirements: A development permit for multi-family residential development, single family attached dwelling units, manufactured dwelling park, commercial, or industrial development shall comply with the site design review requirements of the Community Development Code if the development permit is for initial construction or for alteration that affects the use or significant elements of the site plan or exterior building design. Information on the proposed development shall include sketches or other explanatory information required by the Community Development Code.

Two-unit attached dwellings permitted in LDR-5, LDR-7, TLDR or TR Districts, or on individual lots in other residential districts (duplexes), are not subject to site design review.

Single family attached dwellings that are included in a mixed use project shall be reviewed following the standards within Section 7.0201. The commercial portion of the project shall be reviewed following the standards within Section 7.0202.

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

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

- (1) The land use designation of the property has not been changed since the initial design review approval; and
  - (2) The significant standards in the Community Development Code which applied to the project have not changed.
- (D) Phased Design Review Approvals. When an applicant desires to develop a project in phases, the Manager under the Type II procedure may authorize a time schedule for developing the various phases in periods of time in excess of two years but in no case shall the total time period for all stages be greater than seven years. Each stage so developed shall conform to the applicable requirements of this code. The Manager may require modifications to portions developed after the passage of one year to avoid conflicts with a change in the Community Development Code.
- (E) Conformance with Standards All site design review requests shall comply with all applicable Standards in the Community Development Code. Development which only affects a portion of a site shall conform with the applicable Standards for that portion of the site where development is proposed. Where Nonconforming development exists on part of a site (not being re-developed) compliance with the Standards applicable to Non-Conforming Developments is required. (See Section 8.0200)

**7.0002 Development in Conformance with Previous Approvals**

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

**7.0003 Exemption to Site Design Review Requirement**

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

An addition to an existing developed site that:

- (A) Adds less than 25% to the total existing floor and outdoor use areas, and
- (B) Parking minimums are adequate to meet the numerical minimum auto parking requirements of Table 9.0851 for both existing and new areas, and
- (C) The primary use of the site remains unchanged, and
- (D) Changes proposed to the site are minor enough to not necessitate a review of parking, landscaping, buffers, architectural elements, access, and/or on-site circulation, as determined by the Manager.

Exemption to Site Design Review does not exempt a development from meeting other relevant standards within this code, including: district standards, transit standards, non-conforming development standards, and public facilities standards.

## **Section 7.0100**

### **Specific Submittal Requirements**

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#### Specific Submittal Requirements

- 7.0101 Dwelling Structures Containing Two or More Units, Single Family Attached Dwellings and for Elderly Housing
- 7.0102 Community Service (except elderly housing), Commercial, Industrial and Mixed Use Developments
- 7.0103 Manufactured Dwelling Parks

#### Specific Submittal Requirements

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

- (A) The applicant shall submit fifteen sets of the following individual diagrams, plans and drawings, including the information specified. One additional set is required which is a size that is conveniently reproducible and legible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.
- (1) Site Analysis Diagram - indicating the following information:
- (a) Adjacent land use districts and uses (i.e., whether vacant, platted or occupied by a single family residence, 2-story apartment building, grocery store, etc.).
  - (b) Location of trees with a circumference of 25 inches (8 inches diameter) or greater measured at a point 4.5 feet above the ground on the upslope of side of the tree, or when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches (8 inches diameter) or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant tree or grove.
  - (c) Slope Analysis Map: Ground elevations shown by contour lines at two-foot intervals for ground slopes of less than 15% and by contour lines at ten-foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary benchmark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.

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

The slope categories identified shall be:

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

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

The Slope Analysis Map shall also include:

- (1) The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights-of-way.
- (2) Lot and parcel building areas or specified building envelopes.
- (3) Utility lines or other facilities and utility easements not included in street rights-of-way.
- (d) Natural drainage; and arrows indicating the direction of the natural drainage.
- (e) Site dimensions and total area of the site.
- (2) Site Development Plan - indicating the following information:
  - (a) Legal description of the site;
  - (b) Dimensions and total area of the site, and for proposals that include single family attached dwellings, the dimensions and total areas of all lots proposed for single family attached dwellings;
  - (c) Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;
  - (d) The total area in terms of percentages, devoted to the following:
    - (i) Structures
    - (ii) Parking
    - (iii) Landscaping
    - (iv) Shared Open Space
    - (v) Children's Play AreaAbove items (iv) and (v) do not apply to single family attached dwelling projects of less than 20 units unless such elements are proposed.
  - (e) Rights-of-way of all abutting streets whether public or private and access to the site;
  - (f) Parking plan: submit information required by Section 9.0810. This requirement does not apply to single family attached dwellings;

- (g) Locations and dimensions of all easements and nature of the easements;
  - (h) Location of any non-access strips;
  - (i) Other site elements which will assist in the evaluation of site development; including (1) existing and proposed water, sewer and storm drain connections to the existing public utility systems, (2) final building, parking area, and lot corner elevations, (3) drainage patterns, storm drainage detention calculations and proposed location of stormwater detention facilities, and (4) domestic, irrigation and fire-flow demand calculations;
  - (j) Exterior lighting; the type, height and areas of illumination. This requirement does not apply to single family attached dwellings except where common area walkways and shared parking areas are provided;
  - (k) Except for single family attached dwelling projects of less than 20 units, shared open space and children's play areas. Include children's play area equipment and enclosure details;
  - (l) Service areas for uses such as collective mail delivery in a location as approved by the Postmaster and for trash disposal/recycling. This requirement applies to all mail delivery locations and other service areas. The designation of other service areas applies to single family attached dwellings only if common facilities are provided;
  - (m) Location, size, color and method of illumination of all signs;
  - (n) Utility Plan. A preliminary utility plan showing existing and proposed on and off-site utilities in sufficient detail to evaluate the intent and feasibility of the proposed method of service and to determine its impact on the public utility systems;
  - (o) On-site pedestrian circulation system;
  - (p) Addressing and building identification system consistent with the City of Gresham Street Naming and Property Addressing Guidelines;
  - (q) ESRA-PV and ESRA-SW: The location and dimensions of all ESRA-PV or ESRA-SW located on the site.
- (3) Landscape Plan - drawn to scale, indicating the following information:
- (a) Site dimensions, including the dimensions of all lots for single family attached dwellings; outline of structure(s); scaled location of windows and doors;
  - (b) The size, species (identifying both botanical and common names) and location of plant material and other landscaping materials, identifying those to be retained on the site and those proposed to be planted;
  - (c) Screening, buffer and noise reduction materials and details such as planting materials, berms, fences and walls (refer to Section 9.0100);
  - (d) Tree Staking Details;
  - (e) Location and dimensions of required landscaping areas, buffer areas, shared open space and children's play area, where required;
  - (f) Narrative describing in detail how any abutting existing buffer and screening or proposed alternative plan satisfies the buffer requirement;
  - (g) Irrigation Specifications - A statement that an automatic underground irrigation system shall be provided (unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation).

- (h) Twenty or more dwelling units: landscaping plans shall be prepared and stamped by a licensed landscape architect.
  - (4) Architectural Drawings - floor plans, elevations and details, to include the proposed location of unit numbers and/or any other identification proposed on a structure. Architectural features provided to meet design standards within Section 7.0201 shall be noted in the plans.
  - (5) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code.
  - (6) The Erosion Prevention and Sediment Control Plan required by Section 9.0514 and the Stormwater Quality Control Plan required by Section 9.0521.
  - (7) Narrative – project description including discussion to show how approval criteria are being met and information to show how maintenance of shared spaces and easements will be provided.
- (B) Fifteen copies of any and all reports required by the Community Development Code such as an Overlay District specific report, ESRA-PV and ESRA-SW provisions, a traffic analysis, tree preservation plan, special reports or studies as required in Section 9.1100. If any maps are included with the report(s) there shall be one additional set submitted which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.

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

- (A) The applicant shall submit fifteen sets of the following individual diagrams, plans and drawings, including the information specified. One additional set is required which is a size that is conveniently reproducible and legible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.
- (1) Site Analysis Diagram - drawn to scale, indicating the following information:
    - (a) Adjacent land use districts and uses (i.e., whether vacant, or occupied by a 2-story apartment building, grocery store, etc.).
    - (b) Location of trees with a circumference of 25 inches (8 inches diameter) or greater measured at a point 4.5 feet above the ground on the upslope side of the tree; or when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches (8 inches diameter) or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant tree or grove.
    - (c) Slope Analysis Map: Ground elevations shown by contour lines at two-foot intervals for ground slopes of less than 15% and by contour lines at ten-foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary benchmark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.

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

The slope categories identified shall be:



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

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

The Slope Analysis Map shall also include:

- (1) The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights-of-way.
  - (2) Lot and parcel building areas or specified building envelopes.
  - (3) Utility lines or other facilities and utility easements not included in street rights-of-way.
  - (d) Natural drainage; and arrows indicating the direction of the natural drainage.
  - (e) Climatic Conditions: Arrows indicating that the winter winds come from the north and east; summer winds from the northwest.
  - (f) Site dimensions and total area of the lot.
- (2) Site Development Plan - drawn to scale, indicating the following information:
- (a) Legal description of the lot;
  - (b) Dimensions and total area of the lot;
  - (c) Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;
  - (d) The total area in terms of percentages, devoted to the following:
    - (i) Structures
    - (ii) Parking
    - (iii) Landscaping
  - (e) Rights-of-way of all abutting streets whether public or private and access to the site;
  - (f) Parking plan, submit information required by Section 9.0810.
  - (g) Location and dimensions of all easements and nature of the easements;
  - (h) Location of any non-access strips;
  - (i) Exterior lighting; the type, height and areas of illumination;
  - (j) Location, size, materials, colors and method of illumination of all signs;
  - (k) Service areas for uses such as mail delivery and/or mail drop boxes (in a location as approved by the Postmaster), and for trash disposal/recycling, loading and delivery;

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

### 7.0103 Manufactured Dwelling Parks

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

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

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

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

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

The slope categories identified shall be:

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

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

The Slope Analysis Map shall also include:

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

- (2) Lot and parcel building areas or specified building envelopes.
- (3) Utility lines or other facilities and utility easements not included in street rights-of-way.
- (d) Natural drainage; and arrows indicating the direction of the natural drainage.
- (e) Lot dimensions and total area of the lot.
- (2) Site Development Plan - drawn to scale, indicating the following information:
  - (a) Legal description of the lot;
  - (b) Dimensions and total area of the lot;
  - (c) Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;
  - (d) Rights-of-way of all abutting streets whether public or private and access to the site;
  - (e) Parking plan, submit information required by Section 9.0810.
  - (f) Locations and dimensions of all easements and nature of the easements;
  - (g) Location of any non-access strips;
  - (h) Other site elements which will assist in the evaluation of site development; including 1) existing and proposed water, sewer and storm drain connections to the existing public utility systems; 2) final building, parking area, and lot corner elevations; 3) drainage patterns.
  - (i) Exterior lighting; the type, height and areas of illumination.
  - (j) Service areas for uses such as mail delivery (to be approved by the Postmaster) and trash disposal/recycling.
  - (k) Location, size, materials, color and method of illumination of all signs, including directory signage, building identification, and individual space designations.
  - (l) Utility plans showing existing and proposed on and off-site utilities in sufficient detail to evaluate the intent and feasibility of the proposed method of service and to determine its impact on the public utility systems. Plans for interior streets, driveways, water, storm drainage, and sanitary sewer systems shall bear the stamp of a registered civil engineer licensed to practice in the State of Oregon.
  - (m) Locations and dimensions of all interior streets, sidewalks, and pedestrian pathways and including the location of any common mail delivery areas. Names of any private access ways or private streets shall be as determined by the Manager in accordance with the City of Gresham Street Naming and Property Addressing Guidelines. The applicant shall be responsible for posting of any private street signage as approved by the Manager.
  - (n) Locations and dimensions of all manufactured dwelling spaces. This shall include the location and means of space identification.
  - (o) Locations and dimensions of all recreation areas, recreation and service buildings, and areas of recreation space in square feet.
  - (p) Locations and sizes of existing and proposed fire service lines, hydrants, and other fire suppression facilities within and adjacent to the manufactured dwelling park.
  - (q) An enlarged plot plan of a typical manufactured dwelling space, showing location of the manufactured dwelling, location of typical unit identification, patio, sidewalk, parking area, utility connections, and setback distances from the manufactured dwelling to the boundaries of the space.

- (r) An addressing system as approved by the Manager to include a means of and location for identifying unit spaces and on-site buildings.
  - (3) Landscape Plan - drawn to scale, indicating the following information:
    - (a) The size, species (identifying both botanical and common names) and location of plant material and other landscaping materials; those to be retained on the site and those newly planted;
    - (b) Locations and types of fences, walls, berms, and landscaping areas intended to fulfill requirements for perimeter screening, or required buffers (refer to Section 9.0100).
    - (c) Percentage of lot devoted to landscaping.
    - (d) Tree Staking Details
  - (4) Irrigation Specifications

A statement that an automatic underground irrigation system is to be indicated on the landscape plan (unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation).
  - (5) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code.
  - (6) The Erosion Prevention and Sediment Control Plan required by Section 9.0514 and the Stormwater Quality Control Plan required by Section 9.0521.
- (B) Fifteen copies of any and all reports required by the Community Development Code such as an Overlay District specific report, a traffic analysis, tree preservation plan, special reports or studies as required by Section 9.1100. If any maps are included with the report(s) there shall be one additional set submitted which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.

## **Section 7.0200**

### **Standards and Criteria**

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#### Specific Site Design Criteria and Standards

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

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

#### Other Site Design Criteria and Standards

7.0210 Transit Design Criteria and Standards

7.0211 Manufactured Dwelling Park Design Standards

7.0212 Standards for Solid Waste Recycling and Service Collection Areas for new Multi-Family, Commercial and Industrial Development

#### Additional Requirements

7.0220 Optional Improvements With Site Design Review

7.0221 Landscaping Installation

7.0222 Irrigation Provisions

7.0223 Maintenance Responsibility

7.0224 Site Lighting

### **Specific Site Design Criteria and Standards**

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

(A) Applicability

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

(B) Purpose

The purposes of this section include promoting the livability, neighborhood compatibility and public safety of attached dwelling developments. Design standards are to ensure that individual developments contribute to a quality environment for people utilizing the development and the surrounding neighborhood.

(C) Design Standards

In designing the site development plan and landscaping plan the following design criteria and standards shall apply: Landscaping; Building Orientation; Storage; Vehicular Circulation and Parking; Crime Prevention; Pedestrian Circulation; Architectural Design; Single Family Attached Standards; and Transition and Compatibility Between Attached Dwellings and LDR-5/LDR-7/TLDR/TR Development; and other standards as applicable.

(D) Landscaping Standards: Areas to be Landscaped as defined in Section 3.0010:

- (1) Attached dwelling structure(s) containing two or three units, and all structures containing single family attached dwellings: All areas of the lot not occupied by the structures or pavement. (Note: single family attached dwelling complexes of 20 units or more are also required to provide shared open space as per Section 7.0201(M).)

- (2) Dwelling Structure(s) containing four or more units, except single family attached dwellings (which have separate standards): a minimum of twenty percent (20%) of the gross site. Required buffer (Section 9.0100) landscaping shall be credited toward the minimum standard. A paved pedestrian walk, when integrated within the landscaped area, may satisfy up to 5% of this requirement. In addition, when public street dedications are required, those portions of the right-of-way lying between the curb and the abutting property line may be credited toward the minimum standard.
- (3) Dwelling Structure(s) containing four or more units, except single family attached dwellings (which have separate standards): a minimum of 4% of the gross site area but not less than 1,000 square feet shall be shared open space for sites 20,000 square feet and above in gross site area. For sites under 20,000 square feet in gross site area, a minimum of 4% of the gross site area but not less than 500 square feet shall be shared open space. The minimum dimensions for any shared open space shall be 20 feet in length and width and be a minimum of 400 square feet in size.

A shared open space may be any of the following: recreational facilities such as tennis, racquetball and basketball courts, recreation building (not including office space), swimming pools and spas; gathering spaces such as gazebos, picnic and barbecue areas; gardens; preserved natural areas; lawn; dual use areas (such as a basketball court that doubles as a loading space); and children's play areas. Except for preserved natural areas, lawn area that is used as open space, and gardens, the shared open space may not be within any buffer or yard setback area.
- (4) Except for single family attached dwellings (which have separate standards), a minimum of 50% of the above required shared open space shall be a children's play area. (An elderly adult complex need not comply with the children's play area requirement but shall provide the specified shared open space in (3) above.) Multiple children's play areas may be provided. However, the minimum dimensions for any children's play area shall be 20 feet in length and width and be a minimum of 400 square feet in size for sites with a gross site area of 20,000 square feet and greater. For sites with a gross site area of under 20,000 square feet, the children's play area must include a minimum length and width dimension of 12 feet with a minimum total area of 250 square feet. The children's play area shall have a minimum of three items of play equipment such as slides, swings, towers and jungle gyms.

The children's play area(s) shall be enclosed by any or a combination of any of the following: a 2.5 feet to 3 feet high wall or planter; or by benches or seats, or by other means acceptable to the Manager.
- (5) All yard setbacks shall be landscaped and shall have at least 5 deciduous shade trees per 100 lineal feet. Such trees shall be capable of at least 25 feet in height and spread at maturity and be not less than 10 feet in height and 1.5 inches in caliper size at the time of planting. Existing evergreen trees may substitute for the required deciduous shade trees on a one-for-one basis, provided the tree is capable of at least 25 feet in height and is at least 10 feet in height. Where the yard abuts a required buffer the trees may be credited towards any tree required for the buffer.
- (6) Newly planted trees shall be supported (by use of stakes and wire, or similar material) to prevent damage by the strong northeast wind.
- (7) All landscaped areas shall be irrigated by an underground system except for dwelling structures containing less than four units.

- (8) The development is designed in such a manner that as many trees as possible can be preserved. Preserved trees and shrubs shall be protected during construction.
- (9) Outdoor Private Space
  - (a) Except for single family attached dwelling units (which have separate standards), each ground level dwelling unit shall have an attached accessible outdoor private space of not less than 80 square feet in area. The minimum dimension of such space shall be as determined by the Manager to guarantee space functionality. The area shall be designed to provide privacy for unit residents with elements such as walls, fences or shrubs. Required outdoor private space may be located at the primary entrance for ground level units required in Section 7.0201(E)(1). Where this is the case, the outdoor private space shall not be screened with solid elements such as walls or fences. (Except for retirement housing, elderly housing assisted living developments need not comply with this requirement.)
  - (b) Except for single family attached dwelling units (which have separate standards), dwelling units above ground level shall have attached an accessible outdoor private space of not less than 80 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents with elements such as vegetation planters, building off-sets and slatted fence screening.
- (10) The grading and contouring of the site takes place and on-site surface drainage and on site storage of surface water facilities are constructed, when necessary, so there is no adverse effect on neighboring properties, public rights-of-way or the public storm drainage system (refer to Section 9.0500 – Grading and Drainage Requirements, and Section A5.205 – Drainage Management Practices).
- (11) Single family attached dwelling units have separate design standards for landscaping, shared open space, play areas and outdoor private spaces. Refer to Section 7.0201(M).
- (E) Building Orientation
  - (1) Any building abutting a public street right-of-way shall be oriented to the street. The street orientation standard is met when the following criterion is satisfied:  
 The primary entry or entries for all ground-floor units abutting the street shall open directly onto the street right-of-way, not to the interior of the site or to a parking lot. Secondary entrances may face parking lots or other interior site areas. Non-residential buildings, such as recreation or community centers, which abut a public street right-of-way shall have at least 20% of the ground floor wall area facing the street in windows, doorways, or display areas, including an entry opening directly onto the abutting street. The primary entry for attached single-family dwellings with frontage on both a public street and an alley shall be oriented to the street, not to the alley.
  - (2) At least 50% of the site's frontage (not including access driveways) on any street shall be occupied by buildings oriented to the abutting street (excepting courtyard style single family attached developments. See Section 7.0201(M).) Where a site has less than 70 feet of street frontage this standard may be modified as needed to accommodate a driveway meeting code standards.
  - (3) Except for individual driveways which may include parking for single-family attached dwellings and two-unit attached dwellings, on-site surface parking areas, garages, and vehicular circulation areas shall not be located between a building and an abutting street right-of-way.



- (4) The Manager may require that a building that will abut a future street right-of-way, as shown on an approved future street plan or neighborhood circulation plan, be oriented to that future right-of-way.
- (5) Where a building is on a corner lot and fronts on two abutting streets, a dwelling unit at the corner of the building need be oriented to only one of the streets. However, if one of the abutting streets is a Transit Street, a corner dwelling unit shall be oriented to the Transit Street.

(F) Storage

Space shall be provided for garbage, recycling and storage in accordance with the following standards:

- (1) Exterior garbage collection and recycling areas shall be entirely screened by the employment of a vegetative screening and/or minimum 6 foot high sight-obscuring fence or wall. This requirement applies to single-family attached dwellings only if common garbage collection and recycling facilities are provided for the site.
- (2) Outdoor storage facilities shall be provided for articles such as barbecues, outdoor furniture, etc., including single-family attached dwellings. The storage facility shall be a minimum 6'-0" high and 24 square feet in area. The facility shall either be connected to each unit, within a garage that belongs with a unit, or easily accessible (such as in a central facility), be completely enclosed and capable of being locked. If located within a garage, the storage space must be separate from and in addition to the area required for vehicle parking so as to not impede vehicle parking. (Except for retirement housing, elderly housing assisted living developments need not comply with this requirement.)
- (3) Except for two-unit attached dwellings and attached single-family dwellings, no exterior garbage collection and recycling area shall be located within 25 feet of property lines abutting LDR-5, LDR-7, TLDR or TR designated property.

(G) Vehicular Circulation and Parking

Vehicular circulation and parking shall be provided in accordance with the following standards:

- (1) Public streets shall be dedicated within the site and connected to adjacent streets as required to create blocks and street intervals that are consistent with Section A5.402.D. The names of any such streets dedicated by deed, without a plat, shall be reviewed by and approved by the Manager prior to recording. Where public streets are required, the Manager may require that traffic-calming features, such as speed humps, curb extensions, and enhanced pedestrian crosswalks be included in the design and construction of the streets.
- (2) Where new parcels or blocks are created within a development site as a result of required public street dedications, individual parcels or blocks need not meet minimum residential density standards for the district, provided the development as a whole meets the standard. Applicable standards of Section 7.0201 regarding site landscaping shall also apply to the development as a whole, except that any parcel or block within the development shall have a minimum of 20% of its total area in landscaping, as defined in Section 3.0010. In addition, the Manager may require that deed restrictions be recorded to ensure that where project amenities such as swimming pools, community centers, and shared open space are on separate parcels within the same development, all residents of the development will have on-going access to those amenities and facilities.
- (3) Based on the anticipated vehicular and pedestrian traffic generation and the policies of the Community Development Plan, adequate right-of-way and improvements to abutting

streets shall be provided by the applicant and shall meet the street standards of the City. This may include, but is not limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, paving, curbs, sidewalks, bikeways, dual street name, quadrant, and/or neighborhood signage, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

- (4) In designing accesses for multi-family residential developments, including developments that contain single-family attached dwellings, efforts shall be made to mitigate adverse traffic impacts on adjacent, low-density residential neighborhoods. In assessing such impacts, the typical daily street volumes specified in Sections A5.501 shall be considered.

(5) Private Driveway Accesses

When private driveway accesses are provided for multi-family developments such as condominiums and apartments, they shall be designed as follows:

- (a) Dead-end private driveway accesses shall not exceed 600 feet in length nor serve more than 25 dwelling units. Dead-end private driveway accesses that exceed 150 feet in length shall be provided with an approved turnaround.
- (b) For dead-end private driveway accesses, “PRIVATE ACCESS ONLY” signage and driveway approach shall be placed at the intersection with the public street to clearly identify the private driveway access.
- (c) Private maintenance of private driveway accesses shall be provided by a Homeowners’ Association or other appropriate entity. Maintenance shall ensure continual emergency access at all times.
- (d) Location of private driveway accesses shall meet the Uniform Fire Code.
- (e) Shall be consistent with Section A5.501(G)(4) and A5.503.

This subsection does not apply to single-family attached dwelling structures, which shall have frontage on a public street or alley as required in Section 7.0201(M).

- (6) Except for single-family dwelling structures, which are subject to parking and access standards within Section 7.0201(M), dwelling structures containing two or three dwelling units shall have additional off-street parking when the lot has limited frontage or where on-street parking is not allowed.
- (7) Complexes containing twelve or more units, including single-family dwellings, shall submit a Neighborhood Parking Analysis that identifies potential on-street parking conflicts on adjacent streets and recommends possible mitigation measures. The analysis shall include an assessment of the supply and demand for adjacent on-street parking and the estimated on-street parking demand created by the proposed development. Mitigation measures may include, but are not limited to, parking duration limitations, time of day limitations, or supplemental off-street parking.
- (8) Garages for attached dwellings shall only be used for the parking or storing of vehicles of residents.

(H) Crime Prevention

The site design shall promote crime prevention and public safety by meeting the following criteria:

- (1) For complexes of twenty or more units, except for single-family attached dwellings (which are subject to separate standards): All common areas shall be visible from at

least three units. Common areas are shared open spaces, laundry, recreation, pool and similar common facilities, children's play areas, walkways and parking areas. A unit meets this criterion when at least one window of a frequently used room, to include kitchens, living rooms and dining rooms, but not bed or bath rooms, faces the common area.

- (2) For complexes of twenty or more units, except for single-family attached dwellings (which are subject to separate standards): At least four units shall have a unit entrance or at least one window of a frequently used room, to include kitchens, living rooms and dining rooms but not bed or bath rooms, facing each abutting street right-of-way. There shall be no intervening building between the units and the abutting street right-of-way.
- (3) An addressing system shall be provided and shall consist of the following:
  - (a) Individual multi-family building addresses shall be clearly visible (as determined by the Fire Marshal) from the abutting public street right-of-way or from the abutting driveway or private street, shall be at least 6 inches in height, shall be of a contrasting color to the background and shall be illuminated so as to be visible during the hours of darkness. Building addresses (including any building identification letters) shall be clearly visible on all sides of the buildings.
  - (b) For complexes of 12 or more units (except single family attached dwellings), an illuminated representation of the complex showing the location of the visitor and the unit designations within the complex shall be positioned at each driveway. The directory sign(s) shall be free-standing, shall have a 3 foot to 5.5 foot height, a 7 to 32 square foot area, and shall be located at least 20 feet back from the property line at the street access point.
  - (c) Each individual unit within a multi-family complex shall display a unit number that shall be at least 4 inches in height and illuminated during the hours of darkness. Each breezeway shall also be posted with appropriate unit numbers and, when applicable, with appropriate building addresses or letters) for the breezeway.
- (4) Except for single-family attached dwelling structures, the following areas shall be illuminated during the hours of darkness: driveways; open parking lots and carports; on-site pedestrian circulation walks and walks that connect units to parking spaces, the public street and shared common areas; and entry ways to units and recreation and laundry buildings. For single family attached dwelling complexes, shared parking areas and common walkways shall be similarly lit. Lighting shall be designed so as to not shine directly into residential units by the use of cut-off-features. Lighting devices shall be protected by weather- and vandalism-resistant covers.
- (5) Any individual stair landing may serve a maximum of six units per landing. The area of railings on stair landings shall be a minimum of 50% open. The area of railing is the height of the railing times the length of the railing. This requirement does not apply to single-family attached dwelling structures.
- (6) Where parking spaces are numbered and assigned to specific dwelling units, numbers on parking spaces should correspond to the numbers of the units to which the spaces are assigned.
- (7) Safe Neighborhood Design Performance Standards of Section 4.0132(D) shall apply to single-family attached dwellings.

(I) Pedestrian Circulation

The site design shall promote safe, attractive and usable pedestrian facilities and a direct pedestrian connection between the street and buildings on the site by providing an on-site, continuous pedestrian circulation system that meets the following criteria:

- (1) For all uses including single family attached dwellings:
  - (a) The on-site pedestrian circulation system shall consist of hard surfaced, minimum 5-foot wide walks. A 7-foot walk shall be provided when the walk abuts shared motor vehicle parking spaces unless wheel stops are used to ensure a minimum 5-foot wide, clear walk.
  - (b) Walks shall be separated from auto parking and maneuvering areas, except for individual unit driveways, through physical barrier features such as planter strips, raised curbs, or bollards.
  - (c) Where walks cross through driveway or parking areas except for individual unit driveways, they shall be paved with a material different and visually contrasting from the pavement material in the auto area.
  - (d) The on-site pedestrian circulation system shall be continuous and connect the following: streets abutting the site; ground level units entrances and common building entrances; common buildings such as laundry and recreation facilities; parking areas; shared open space and children playground areas; abutting transit facility; and any pedestrian amenities such as plazas, resting areas and viewpoints. Except for single family attached dwellings with direct street frontage, there shall be at least one walk connection to an abutting street frontage for each 200 linear feet or portion thereof of street frontage.
- (2) The on-site shared pedestrian circulation system for all developments, including single-family attached dwellings, shall be designed to meet the accessibility standards of Chapter 11 of the International Building Code (IBC).

(J) Architectural Design

Architectural Design Standards for all uses except single-family attached dwellings (which are subject to the standards of subsection (L) ):

- (1) Structures shall avoid long, monotonous, uninterrupted walls. Structural exterior wall offsets of a minimum two-foot horizontal variation shall be used at intervals of 50 feet or less along the structure's façade, to visually enhance long walls. Projections and/or recesses may be added to the wall offsets for additional façade variation.
- (2) Structures shall not have an overall horizontal distance exceeding 160 feet, measured from end wall to end wall. Structures facing an abutting street are exempt from this standard.
- (3) Blank, windowless walls are prohibited when facing a public street unless required by the International Building Code. Blank walls are discouraged in all other situations. Where the construction of a blank wall exceeds 400 square feet, it shall be articulated or intensive landscaping shall be provided. If shrubs and trees are selected, they shall be of a variety that will grow to screen, at maturity, 25 percent or more of the wall area and reach a height of at least 50 percent of the wall height. Such shrubs and trees must screen at least 10% of the total wall area at the time of planting.
- (4) When a dwelling structural façade faces another façade across a public street, each structure shall have a different façade design. The facades could be varied by using

different exterior siding materials or trim, or by other means. For example, using beveled siding on one structure and employing tongue-and-groove joint siding on the next structure. Adding shutters, using different window types or sizes, varying roof lines, and varying other architectural details are further examples of ways to add visual variety.

- (5) Exterior finishes should be primarily wood, masonry, or a combination of these materials. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover not more than 30 percent of the surface area of each façade.
  - (6) Exterior window trim shall not be flush with the exterior walls. The window trim shall have a minimum relief of ¼ inch from the exterior wall. Trim shall be provided around all windows.
  - (7) All ground floor common entries or individual unit primary entrances shall be sheltered with a minimum four-foot overhang projection. Sheltered entries shall not project more than four feet into a required yard setback.
  - (8) All visible exposed sides of a dwelling structure with a flat roof shall have an articulated base course and cornice and/or parapet. Ornamental cornices with moldings, or other details, are encouraged.
  - (9) Roof-line offsets shall be provided at intervals of 100 feet or less, to create variety to the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum 8 foot variation either vertically from the gutter line or horizontally.
  - (10) A dwelling structure containing 12 or more units, which will be constructed within 150 feet of the centerlines of two intersecting streets, shall include architectural embellishments, such as a corner tower or a significant landscape planting, to emphasize the structure's significant location.
  - (11) All attached garages shall be located at least 4 feet behind the front façade of a structure containing more than eight units.
  - (12) Detached garages or carports shall reflect the architectural style and/or building materials that are used for the dwelling structures.
  - (13) Required off-street parking shall be located to the rear or side or beneath the dwelling structures.
- (K) Transition and Compatibility Between Attached Dwellings and LDR-5/LDR-7/TLDR/TR Development

Restrictions for residential buildings, any portion of which is within 50 feet of an abutting LDR-5, LDR-7, TLDR or TR District:

- (1) The residential building shall contain no more than 12 dwelling units.
- (2) The Height Transition standards of Section 9.0610(A) shall apply to all residential buildings.
- (3) Minimum spacing distance between buildings shall be 15 feet. However, where a building exceeds 100 feet in length the minimum spacing distance between that building and any other residential building shall be 20 feet.

(L) Architectural/Design Standards for Single Family Attached Dwelling Structures

The following structural and architectural design elements for single family attached dwelling structures are intended to help create a sense of individuality besides providing a measure of quality, and shall be provided for all proposals.

- (1) No building exterior wall dimension or row of contiguous dwellings (in one structure) shall exceed 100 feet in continuous building length. An exception to this are courtyards (“U” shaped) developments where no unbroken (i.e. continuous) section of the “U” shall exceed 100 feet. (Note: courtyard developments may also include multiple buildings that create a courtyard effect as long as individual building lengths do not exceed 100 feet.)
- (2) Offset every two dwelling units from the next dwelling unit by at least 4 feet in exterior wall offset for buildings 2 stories or taller and over 50 feet in length, or, at least 2 feet in offset for buildings 1 story in height or less than 50 feet in length.
- (3) For each entry, provide a covered porch or portico with a floor area of at least 40 square feet.
- (4) Roofs shall be pitched and have a minimum 3 to 12 slope.
- (5) Roof eaves shall be provided (minimum 12-inch projection).
- (6) Window trim shall be provided (minimum 3-inches wide).
- (7) Façade (wall) treatments (including exterior finish patterns, story lines/floor banding, window trim, corner trim/corner boards, and related items) shall be provided on all sides of the building.
- (8) Provide windows on building ends that front streets and where necessary to meet the safe neighborhood standards of Section 7.0201(N).
- (9) The applicant shall also provide a minimum of 4 of the following architectural elements in the building design:
  - (a) Dormers
  - (b) Gables
  - (c) Recessed entries
  - (d) Cupolas or towers
  - (e) Pillars or columns
  - (f) Additional offsets in building face or roof (minimum 16-inches)
  - (g) Bay windows
  - (h) Decorative and/or alternating patterns on the exterior finish (e.g. scales/shingles, trim boards, ornamentation or similar features)
  - (i) Decorative cornice or pediment
  - (j) For one story buildings, the use of at least 2 or more different exterior finishes and patterns including such types as masonry, stone, stucco, wood, terra cotta, and tile
  - (k) Where masonry is used for exterior finish, apply decorative bonds and a range of colors
  - (l) Cantilevers

- (m) Energy Conservation features including non-window elements and other design features that channel natural light from exterior walls or roof (such as by the use of skylights, solar tubes, atriums, and related features)
- (n) Windows on all non-street fronting building ends.
- (10) Provide at least 2 different exterior finish patterns for all multi-story buildings.
- (11) The design of corner buildings that have facades facing both streets shall include a unique feature at the corner such as a tower, corner bay or gable, or a combination of architectural elements that visually enhance the building corner. As an alternative, a functional (i.e. usable) and decorative pedestrian or landscaping feature of not less than 300 square feet in ground area may be provided.
- (12) Non linear ( “U” or other shaped) building footprints that create common area courtyards may be permitted if proper rear access is provided.
- (13) Garage facades shall not be located closer to a street than façade portions of the structure facing said street containing living space (i.e. no “snout” units are permitted).
- (M) Other standards for Single Family Attached Dwellings
  - (1) Street Frontage and Building Orientations
 

The following standards are intended to promote and maintain an orientation to the street for single family attached dwelling developments.

    - (a) Single family attached units are not allowed to be constructed on flag lots except in cases where minimum density standards would otherwise not be met. When located within LDR-5, LDR-7, TLDR or TR, the standards of Section 4.0138 (Residential Infill Standards for LDR-5, LDR-7, TLDR and TR) would be applicable. The end unit abutting the street (as applicable) must have its primary entrance oriented to the street.
    - (b) Where property configuration is such that development can not occur in standard row to row relationships, fronts of units shall not be permitted to face non-street fronting sides or rear of the site.
    - (c) Back to front facing relationships between groups of buildings (such as front doors facing rear yards or service areas) are not allowed.
    - (d) Projects that include a courtyard fronting a public street must provide a street fronting building orientation and doorway access for those portions of the project that directly face and abut a street and are not between the street and courtyard. Courtyard development building facades separated from a street by an approved courtyard are exempt from street orientation requirements.
    - (e) Where two groups of single family attached dwelling buildings in a complex face each other, a minimum separation of 30 feet shall be required between front building facades, inclusive of setbacks. If such a grouping is provided internally within a single family attached dwelling complex, the separation area shall include, at minimum, a shared pedestrian walkway.
    - (f) Buildings shall face one another with a front-to-front and a back-to-back relationship whether on either side of a street, alley or open space. An exception to this is with oddly configured properties where a partial building grouping accessed (for example) by a short section of public or private street or alley, might be located to a side in a side-to-rear relationship.

- (g) Single family attached units are required to be located adjacent to public streets and alleys and oriented to public streets. Private streets or alleys may be utilized only in districts that permit these following adopted public street and public works standards and appropriate design modifications.
- (h) In the case of single family attached complexes, private shared accesses to the rear or to common parking areas may be provided, subject to City circulation and parking standards. Such shared access and parking areas may be located in easements or tracts and shall not take the place of street orientation provisions.
- (i) Garage facades shall not be closer to the street than portions of the unit containing living space.

(2) Driveways and Unit Access

The following standards are intended to promote access at the rear of the lots so as to limit the number of driveways to the street and to allow for availability of on street parking.

- (a) Single family attached lots shall be accessed from the rear by alleyway, rather than from a public street except as otherwise authorized within this section. Exceptions to this are: lots at least 30 feet wide may direct access a public street or a development of 5 or less lots may access the street directly. Private alleys or access drives may be substituted where allowed by the district, where extension potential is not feasible and if appropriate maintenance provisions are established. In addition, a private side access to a common parking area may also be permitted if parking section standards are met. (Note: Single family attached developments on large parcels are not permitted to avoid alleyway and rear access requirements by utilizing multiple structures of 5 or less units/lots or providing serial or by sequential land divisions from one “parent” parcel.)
- (b) Up to 20% of proposed lots less than 30 feet wide in a single family attached residential development, and, not covered by subsection (a) above, can be accessed from the front.
- (c) The maximum width for individual single garage driveways located at the front of a dwelling unit is 10 feet wide (excluding the driveway approach width). Alternately, a driveway may be wider to access a garage that has a width no larger than 50% of the total dwelling width.
- (d) The maximum width for a shared driveway that serves two units or a double car (side-by-side) garage is 20 feet (excluding the driveway approach width).
- (e) A minimum distance of 20 feet shall be between driveways, whether shared or individual, so as to allow for on street parking.
- (f) In the case of a single loaded public alleyway or private street or alley utilized for access, provide a 6 foot high sight obscuring fence or wall and a 5 foot wide landscape planting strip along the side of the alleyway/private street that abuts adjoining properties. Plant materials shall include a combination of ground cover, shrubs and trees and follow the same planting size requirements as for Shared Open Space Areas.
- (g) When common area courtyards are being provided that face the street, private rear access and parking may be established provided secondary access or adequate turnaround area is available and maintenance provisions are adopted.



- (h) When property configuration is such that rear access cannot be provided in consideration of setback and separation standards, parking to the side in a common parking area may be provided, or, shared driveway accesses to the street may be allowed up to the limit of minimum site density.
  - (i) If common rather than individual (per unit) parking areas are proposed, the General Design Standards for Surface Parking Lots (Section 9.0820-9.0826) shall apply to the common parking areas. Such common parking areas may be within easements or on commonly owned tracts held and maintained by a homeowners association. Provide a 6 foot high sight obscuring fence or wall and a 5 foot wide landscaped planting strip along any side(s) of the common parking area that abuts adjoining properties. Plant materials shall include a combination of ground cover, shrubs and trees and follow the same planting size requirements as for Shared Open Space Areas.
- (3) Setback, Separation and Height Standards for single family attached dwellings
- (a) The minimum setback standards on the following table are required for single family attached dwellings in all districts where they are permitted excepting the Pleasant Valley (Table 4.1408) and Springwater Plan Districts (Table 4.1508):

**Table 7.0201(M)(3)(a)**

| <b>Minimum Setback Standards for SFA Dwelling Units</b> | Districts with Maximum Density generally at or less than 24 units per acre (TR, TLDR, MDR-12, MDR-24, OFR, and DR-12 districts) | Districts with Maximum Density greater than 24 units per acre and the CMF and CMU Districts |
|---|---|---|
| Front facade  | 10 feet   | 5 feet  |
| Front porch   | 6 feet  | 3 feet  |
| Front face of garage                                    | 20 feet   | 20 feet   |
| Interior side (not common wall)                         | 5 feet  | 5 feet  |
| Side (common wall)                                      | 0 feet  | 0 feet  |
| Street side (façade)                                    | 6 feet  | 5 feet*   |
| Street side (porch)                                     | 6 feet  | 5 feet*   |
| Street side (garage face)                               | 20 feet   | 20 feet*  |
| Rear (no alley)   | 10 feet   | 10 feet   |
| Rear (alley)  | 6 feet  | 5 feet  |

\*For street side in MDR-C, see Table 4.1230(E).

- (b) Maximum setbacks are as provided by the individual districts with the exception that courtyard type developments are exempted from maximum setbacks for that portion of a building or buildings having a courtyard area between it and the street.
- (c) Where the rear of a dwelling unit(s) faces the side of another (within the same development project), provide a minimum separation of 20 feet between the building walls of both structures (i.e. side to rear).
- (d) Where the front, rear or side of a dwelling unit(s) faces the rear or side of an existing structure on adjoining property, provide adequate setback so that there is at least 20 feet of separation between the adjoining building structures. This separation distance may include required setbacks and is not intended to be in addition to required setbacks (such as with buffer calculations) except where

setback distance is added in to obtain the 20 feet separation. Screening (which may consist of fencing and/or hedge plantings) shall be provided along the property line with the adjoining structure(s).

- (e) Referring to (d) above, if the structure on the adjacent property has an adjacent setback of 5 feet or less, the proposed dwelling unit(s) must provide a rear setback of at least 15 feet plus screening along the common property line so as to provide as close to the required 20 feet separation as is capable.
- (f) To ensure rear yard privacy, second story and higher rear decks or balconies may not be permitted when the separation between the dwelling unit(s) and a structure on adjoining property is less than 20 feet, or, the structure on the adjoining property is residential, is a rear yard, and is shorter in height (as measured by the # of stories) than the proposed dwelling unit(s). This standard does not apply if the structure on the adjoining property is not residential, is a residential structure of the same height (in stories) as that proposed, is a residential yard other than the rear, or, a proposed deck or balcony would not be any higher in elevation than an existing deck or balcony on the abutting residential structure, or can be recessed or designed so that the deck or balcony will not directly overlook yard areas of abutting residential units.
- (g) Except for the Pleasant Valley (4.1400) and Springwater (4.1500) Plan Districts, heights for single family attached dwellings are as identified in the following table:

**Table 7.0201(M)(3)(f)**

| <b>Building Heights for SFA Dwelling Units</b> | <b>TLDR, MDR-12, MDR-24, OFR, and DR-12 districts</b> | <b>All other districts where SFAs are permitted</b> |
|--|---|---|
| Minimum building height                        | 1 story   | 1 story in CMF and CMU; all others 2 stories        |
| Maximum building height                        | 35 feet*  | 45 feet*  |

\*See Building Height and Grade definitions from Section 3.0000.

(4) Private Open Space

Each unit needs its own private space so as to maintain a feeling of livability and to not encourage crowding. The following options are offered:

- (a) Each single family attached unit shall have an attached private open space area located at the rear of the unit of at least 120 square feet in size. The area shall be enclosed, screened or otherwise designed to provide privacy with elements such as 6 feet high sight-obscuring fencing, building offsets, and/or vegetative screening. The combined total area of a deck or balcony and patio/rear yard area may be used to obtain the required private area square footage.
- (b) Where it is not possible to locate the private open space entirely at the rear of the unit, a private open space may be located on the front façade in the form of an upper story balcony and the square footage counted towards the 120 square feet requirement.
- (c) No dimension of private open space area shall be less than a minimum of 6 feet.

(5) Shared Open Space Standards for Complexes

Large single family attached complexes are similar in scale and operation to multi-family and condominium complexes and should, therefore, provide similar amenities on the property of the project including common open space, play areas, and a mechanism for maintenance of such areas. The following standards are provided for those purposes:

- (a) For attached single family developments of 20 or more units (including elderly housing single family attached complexes of 20 or more units), provide one or more common (shared) open spaces with a minimum combined total area of 1,000 square feet. For developments over 20 units, add an additional 250 square feet of open space for every additional 10 units. For phased developments open space requirements shall be met per phase.
- (b) No common open space area is to be less than 400 square feet in area nor have a horizontal distance less than an average of 20 feet.
- (c) Common open space areas shall primarily be planted in lawn unless the open space area comprises a natural area (such as a wetland feature or habitat area or a stormwater detention area). Up to 40% of the common open space area may be hard surfaced, improved and dedicated for a specific use (barbecue areas, tennis court, recreation building, community garden, playground, etc.), subject to approval by the City. Where feasible, the surface of open space areas shall be pervious, allowing infiltration of storm water.
- (d) If a hard surfaced area is provided, the perimeter shall be landscaped with a combination of evergreen groundcover, shrubs and trees, with the trees spaced 20 feet on center.
- (e) Required open space area landscaping shall include lawn, groundcover, shrubs and trees. Non-lawn groundcovers shall be a minimum of 4 inch pots spaced 2 feet on center. Shrubs shall be a minimum one gallon size at the time of planting. Trees shall be at least 1.5 inch caliper minimum size at the time of planting. Mulch materials are only permitted as a filler until living plant materials mature and spread.
- (f) For single family attached developments adjacent to public parks or public open spaces (such as schoolyards, public trails, natural areas, etc.):
  - 1. Parking, loading and service areas may not be located between the residences and the public areas. Parking may be located under a building provided access to the parking is not from the park or open space side of the development.
  - 2. A minimum of 10% of the building façade facing the park or open space shall be comprised of windows.
  - 3. Sight obscuring fences greater than 6 feet in height are not permitted between single family attached developments and the park or open space.
- (g) Children's play areas shall be provided for developments of 20 or more units following the dimensional, equipment and perimeter standards of Section 7.0201(D)(4), except if the development is for elderly housing. Elderly housing single family attached complexes (subject to Community Service requirements per Section 8.0112) are not required to provide children's play areas but are

required to provide required open space area if 20 units or more in complex size. In addition, the following are required for children's play areas:

1. Shall be located outside of required yard setbacks and buffer areas.
2. Must be located so as to be visible from living area windows of at least 3 dwelling units.

Alternatives to children's play areas may be provided in an equivalent square footage as long as at least one play area is still provided within complexes that are family oriented. Suitable alternatives include shared picnic facilities, gazebos, gardens, exercise facilities, basketball area, and other related shared open space type uses.

- (h) Pedestrian access to common open space and children's play areas shall be provided by 5 foot wide, all weather hard surface walkways that connect to the overall site pedestrian walkway system and ultimately to public sidewalk.
  - (i) If a private open space (in a front, rear or side yard) is adjacent to common or public open space, parking, or a property line at the perimeter of the development, provide a visual separation consisting of at minimum a 3 foot high fence, wall, or landscaping capable of growing to a 3 foot height between the private open space and the adjacent element.
  - (j) Homeowners associations, site management offices, or other acceptable means shall be established for purposes of maintaining all common areas. An ongoing financial mechanism and oversight functions to provide for maintenance shall be established prior to occupancy of any unit.
  - (k) Open space and other common or shared use areas may be established as tracts or as easements over portions of platted lots.
  - (l) Landscaped areas within public right-of-way shall not be counted as project open space.
- (6) Pedestrian Walkways

Pedestrian walkways are required to provide access to the street(s) and within the site to common areas.

- (a) Walkways shall connect each unit's front entry to the public street and other features such as common parking areas, common open space areas, children's play areas, adjacent public uses or public parks/open space as applicable.
- (b) Walkways shall be barrier-free and unblocked at all times, and be an all weather hard surface.
- (c) Walkways in common areas shall measure a minimum of 5 feet wide.
- (d) Walkways in common areas (including shared parking areas) shall be illuminated to at least a 2 foot candle level during the hours of darkness. Lighting shall be designed so as to not shine directly into residential units by the use of cut-off or directional features.
- (e) All pedestrian walkways shall be in view of at least one unit's living area windows.

- (f) When pedestrian walkways are located between two buildings, a minimum 10 foot wide corridor shall be provided between the buildings. Such walkways are permitted within setback areas.
- (g) Front entry stoops shall not be elevated more than 6 feet above the grade of the sidewalk.
- (h) Walkways adjacent to or within a parking area are subject to standards of Section 9.0824.

(7) Landscaping

Landscaping is intended to enhance the visible appearance and livability of single family attached dwelling projects and preventing building footprints from dominating available lot areas.

- (a) At least 20% of the gross site area of a single family attached development must be landscaped.
- (b) All landscaped front, side, and rear yard areas, landscaped common open space, preserved natural areas, planter areas, landscaped screening and separation area, as well as landscaped strips located between the curb and sidewalk, can be included to meet the 20% landscaping requirement. In addition, shared walkways within landscaped areas may count for up to 10% of the total landscaping requirement (i.e. 10% of the 20% of gross area total).
- (c) Of the 20 % landscape requirement in (a) above, a portion of the landscaping total shall be located in rear yard areas of lots that are not rear accessed.
- (d) At least 80% of the front yard setback area must be landscaped when the driveway is at the rear of the unit or when a shared parking area is provided.
- (e) At least 25% of the front yard setback area must be landscaped when the driveway is at the front of the unit.
- (f) Of the required front yard landscaping as stated above, up to 20% of that area may be walkways or stoops associated with unit access and at least 80% of those areas must consist of a continuous ground cover of lawn and/or low growing evergreen shrubs, or other evergreen ground cover. Trees and larger shrubs may also be added to the landscaped area. Planting sizes are as follows:
  1. Groundcovers, other than lawn, must be a minimum of 4 inch pots spaced 2 feet on center.
  2. Trees shall have a minimum caliper of 1 ½ inches at planting and must be staked for at least one year.
  3. Evergreen shrubs must be at least 24 inches high at finished grade and a minimum one gallon size at planting.
  4. Mulches and barkchips are only allowed as a filler, until required groundcover and shrub materials mature and spread. Mulches and barkchips are not permitted as a substitute for living plant materials..
- (g) All landscaped areas shall be irrigated with an in-ground irrigation system, unless a licensed landscape architect submits written verification that the proposed planting materials do not require irrigation.

- (h) In addition to street trees as required by Sections 9.1020-9.1022, site trees shall be required at the rate of one tree per 2,000 square feet of gross site area. On site trees that are preserved may count at a 1 to 1 ratio for purposes of meeting site tree requirements.
  - 1. New site trees must be capable of growing to a height of 25 feet. However, when accompanied by an arborist's report, ornamental, dwarf, and other smaller species may be permitted in locations where larger sized trees are not appropriate.
  - 2. New deciduous site trees shall be a minimum of 1.5 inch caliper at the time of planting.
  - 3. Evergreen trees shall be a minimum 6 foot height at time of planting.
  - 4. As much as possible, new site trees shall be distributed throughout the project rather than clumping them in one location.
  - 5. New site trees shall be staked for support for at least one year.
- (i) All plantings shall be maintained and dead or diseased plants replaced within 3 months of removal.
- (8) **Miscellaneous Standards for Single Family Attached Dwellings**
  - (a) A minimum 6 foot high sight obscuring fence or wall shall screen common loading, garbage/recycling, and other service areas that are shared by two or more single family attached dwelling units within a development.
  - (b) Screen transformers and heating, ventilation and air conditioning (HVAC) equipment.
  - (c) Screen freestanding HVAC units with a sight obscuring fence, wall or evergreen landscaping if located adjacent to a property line shared with another residential unit/building or adjacent to open space.
  - (d) Provide utility meter/box screening from the street or from public view.
  - (e) Private storage areas are required for each unit. Each storage space shall consist of an enclosed closet type space at least 6 feet in height with at least 24 square feet of floor area. Optionally, the storage space may be in a central storage facility close to the unit or as designated storage area within a garage dedicated to said unit. If garage located, the storage unit shall be separate from and not impede parking within the garage.
- (9) The single family attached dwelling standards in these sections shall take precedence over individual plan district standards in case of conflict except as otherwise stated.
- (N) **Safe Neighborhood Design Performance Standards**

These provisions, which are repeated in Section 4.0132(D), are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasize linkages and surveillance between the dwelling and the street. These provisions are required for single family attached dwellings proposed in all districts that permit single family attached dwellings as specified in Section 4.0132(D).

  - (1) **Visible Dwelling Front.** The front door shall be oriented towards the street which the dwelling faces. At least 75% of that street frontage shall be visible from 1) the front door; or 2) a street facing ground floor window (except a garage window); or 3) a street

facing second story, minimum four foot by four foot window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill. This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to Section 10.1520 may use a private drive or future street to comply with this provision.

- (2) Street Pedestrian Connection Options. At least one of the following shall be provided:
  - (a) Separate Walkway. A separate, minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
  - (b) Combined Walkway. A minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of the garage door.
- (3) Street Surveillance Options. At least one of the following shall be provided:
  - (a) Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed at or immediately adjacent to the front door; or
  - (b) Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony or deck is placed on the front of the dwelling; or
  - (c) Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - (d) Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
- (4) Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.
- (5) Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet.

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

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

In designing the site development plan and landscaping plan the following design criteria and standards shall apply:

(A) Areas to be landscaped as defined in Section 3.0010 - Definitions:

(1) Community Services

All areas not occupied by structures, pavement, or outdoor business activity, display or storage areas. In no case shall less than 15% of the gross site area be landscaped.

(2) Commercial, Industrial and Mixed Use Developments

(a) A minimum of 15% of the gross site area:

- Office/Residential District;
- Neighborhood, General, Moderate, and Community Commercial Districts;

- Light and Heavy Industrial Districts
  - (b) A minimum of 20% of the gross site area:
    - CMU District
    - Business Park District
  - (c) Setback areas shall be landscaped or provided with enhanced pedestrian spaces such as benches, drinking fountains:
    - Station Center and Rockwood Town Center Districts
    - Neighborhood, General, Moderate, and Community Commercial Districts
  - (d) Any site area not developed for structures, paving, or enhanced pedestrian spaces shall be improved with landscaping.
    - Station Center and Rockwood Town Center Districts
- (B) Energy conservation is promoted by one or all of the following measures:
- (1) Evergreens are planted on the north and east sides of the proposed structure so that the trees will be within 10 feet of the structure at maturity to buffer against the cold north and east winds.
  - (2) Large areas of window glass and unprotected entry doors are avoided on the north and east sides of the structure. Where north and east facing entries cannot be avoided, there shall be an effective windbreak such as a wall, fence or double entry door.
  - (3) The long axis of the building is oriented east and west with unobstructed solar access to the south wall and roof;
  - (4) The majority of the windows are located on the south side of the structure to take advantage of passive solar collection and architectural shading devices (such as window overhangs) are incorporated to reduce summer heat gain.
- (C) Newly planted trees shall be supported (by the use of stakes and wire) to prevent damage by the strong northeast wind;
- (D) Landscaping shall be irrigated by an underground system except that landscaping certified by a licensed landscape architect as being able to survive without irrigation shall be excluded.
- (E) When frequent deliveries coincide with customer hours the loading and delivery areas are separated from parking and pedestrian areas.
- (F) Where possible, the loading and delivery areas are oriented to avoid the cold northeast wind.
- (G) All outdoor storage areas and garbage collection areas, are entirely screened by the employment of vegetative materials or alternative as deemed appropriate by the approval authority. Exceptions to the preceding requirements include: New or used cars, cycles, and truck sales (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; mobile homes sales; new or used large equipment sales or rentals; florists and plant nurseries.
- (H) An identification system, as approved by the Manager shall be designed and posted in such a manner as to allow the quick location of on-site buildings and entries.
- (I) Traffic Impacts and Transit Facilities. Based on the anticipated vehicular and pedestrian traffic generation, and the policies of the Community Development Plan, adequate right-of-way and improvements to abutting streets shall be provided by the applicant and shall meet the street standards of the City. Required right-of-way improvements may include but not be limited to installation of lighting, signalization, turn lanes, paving, curbs, sidewalks, street signs, bikeways and



other facilities needed because of anticipated vehicular and pedestrian traffic generation (refer to Sections A5.400 and A5.500).

- (J) In designing accesses for the development, efforts shall be made to mitigate adverse traffic impacts on adjacent, low-density residential neighborhoods. In assessing such impacts, the typical daily street volumes shall be considered as specified in Sections A5.501.

(K) On-Site Pedestrian Circulation.

Developments shall include an on-site Pedestrian Circulation system connecting building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians. All developments must comply with the following Standards for On-Site Pedestrian Circulation Systems:

- (1) On-Site exterior pedestrian circulation path facilities and improvements must be provided, and meet accessibility standards of UBC Chapter 11. Pedestrian circulation paths within the site, connections to the public sidewalk, and external connections off site shall provide convenient, accessible, and the most practical direct, barrier-free route design.
- (2) The on-site pedestrian circulation shall connect the street to the main entrance of the primary structure on the site; walks shall be aligned to minimize out-of-direction travel.
- (3) On-site pedestrian walks must be hard surfaced, and be at least 5 feet wide. A pedestrian walk must be increased to 7 feet wide when bordering parking spaces and surface material shall contrast visually with adjoining surfaces.
- (4) Where the pedestrian pathways are parallel and adjacent to an auto travel lane, the pathway shall use a raised walk or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walk is used the ends of the raised portions must be equipped with curb ramps.
- (5) On-site pedestrian circulation pathways must be lighted to a level where the system can be used at night by employees, residents, customers or the public to a minimum foot-candle of 3. Pedestrian pathway lighting through parking lots shall be designed to light the walkway and to enhance pedestrian safety.
- (6) Pedestrian facilities must be designed and constructed to provide a direct connection to existing public rights-of-way, public accessways and other on-site pedestrian facilities. Pedestrian walkways and facilities shall be constructed:
  - (a) Between all primary building entrances and all streets adjacent to the development site.
  - (b) To connect any new building entrances on a development site to all other new and existing building entrances except those used for loading and unloading freight.
  - (c) At least one access point must connect to any frontage transit stop.
  - (d) To provide a reasonable direct connection between pedestrian destinations and limiting out of direction of travel.

Where berms, landscaping, fencing or other factors create or would create a site frontage impenetrable to pedestrians and bicyclists, there shall be no less than 1 point of pedestrian access every 200 feet of street frontage where feasible.

- (7) Sidewalks or pedestrian paths must connect to other pedestrian-use areas on site such as other buildings, parking areas, recreation or play areas, common outdoor areas, and any pedestrian amenities such as plazas, resting areas and viewpoints.

- (8) Pedestrian pathways must also connect to adjacent developments, when mutually agreed upon between uses. Development patterns must not preclude eventual site-to-site pedestrian connections, even if infeasible at the time of development.
- (9) Public or Private Schools and Parks (Community Services) over one acre lot size, in addition, shall provide direct pedestrian access from adjacent neighborhoods, using multiple pedestrian access points in all directions, which minimize neighborhood walking distance to a site.
- (10) On-site vehicular and pedestrian circulation shall be designed to minimize vehicular/pedestrian conflicts through measures such as minimizing driveway crossings, creating separate pedestrian paths through the site and parking areas, designating areas for pedestrians by marking crossings with changes in textural material, and other techniques for minimizing vehicular/pedestrian conflicts. Painted stripes are not allowed as permanent marked crossings.
- (L) The grading and contouring of the site takes place and site surface drainage and on-site storage of surface water facilities are constructed, when necessary, so that there is no adverse effect on neighboring properties, public right-of-way or the public storm drainage system.
- (M) The circulation pattern is safe and efficient within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular and pedestrian access, exits, drives, walkways, bikeways, emergency equipment ways and other related facilities.
- (N) Attempts to preserve significant wildlife habitat have been made.
- (O) The development is designed in such a manner that as many trees as possible can be preserved. Preserved trees and shrubs shall be protected during construction
- (P) Crime prevention elements shall be included in the design, with specific attention to landscaping, parking areas, walkways, lighting, entries (with clear, visible address or unit number), exits and visibility.
- (Q) All mechanical equipment on roofs shall be screened when abutting a residentially designated property or an arterial street. Screening shall obscure mechanical equipment at elevation. Solar collecting panels are exempt from this requirement.
- (R) For mixed use developments including single family attached housing, the single family housing shall address the standards within Section 7.0201 while the commercial component shall address the standards of Section 7.0202.

## **Other Site Design Criteria and Standards**

### **7.0210 Transit Design Criteria and Standards**

#### **(A) Purpose and Applicability**

- (1) Transit Design Criteria and Standards are intended to provide for convenient, direct, and accessible pedestrian routes to and from public sidewalks and transit facilities; to provide for safe, pleasant, and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and to promote the use of pedestrian and transit modes to retail and commercial facilities. Standards for windows and walls are designed to encourage surveillance opportunities, to avoid a monotonous pedestrian environment, and to prevent fortress-like facades along public streets.
- (2) Transit Design Criteria and Standards shall apply to development along Transit Streets, and within the Station Center and Rockwood Town Center Districts.

(3) Exceptions to Transit Design Criteria and Standards on Transit Streets

- (a) Certain motor vehicle service uses permitted in the underlying district are exempt from Transit Design Criteria and Standards: These uses include gas pump islands, service stations, car washes, and vehicle service bays. However, walk-in retail uses such as a mini-mart or convenience store connected with a motor vehicle service use, are not exempt.
- (b) Industrial uses within the Business Park, Light Industrial, and Heavy Industrial Districts (such as manufacturing, processing, assembly, distribution, repair, warehousing, fabrication, and other uses as determined by the manager) are exempt. However, in Industrial Districts, Community Service uses and buildings within an industrial complex devoted entirely (100%) to office, retail, or other associated non-industrial uses permitted in the underlying district are not exempt from the Transit Design Criteria and Standards.
- (c) When a site has frontage on both a Transit Street and on other streets, the Transit Design Criteria and Standards shall apply only to site development along the Transit Street frontage, unless otherwise specified.

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

- (a) Primary building and entry orientation shall be to the street rather than to a parking lot. All buildings shall have at least one of their primary entrances oriented toward a Transit Street, or (if no Transit Street in the Station Center or Rockwood Town Center Districts) toward an adjacent street. A building may have more than one primary entry as defined in the Oregon State Structural Specialty Code. When a primary entrance is located on more than one street, the full address (including street name) shall also be clearly posted on or near the entrance not bearing the assigned street address.
- (b) If a lot has frontage on more than one Transit Street, the building shall provide one primary entrance oriented to a Transit Street or shall provide a single entrance at the corner where two streets intersect.
- (c) Buildings shall have a primary entrance connecting directly between the Transit Street (or other abutting street when there is no Transit Street) and the building interior. Primary entrances for non-residential development shall be open to the public during all business hours.
- (d) Primary building entrances shall be architecturally emphasized and visible from the street.
- (e) All building entrances and exits shall be well lighted. All unit entrances shall be posted with the assigned address as determined by the Manager. Failure to post an address as assigned by the Manager shall constitute a violation of the Code. Exterior lighting should be an integral part of the architectural and landscape design. The minimum lighting level for non-residential building entries is 4 foot-candles. Lighting shall be a pedestrian scale (3 feet to 12 feet) and the source light shall be shielded to reduce glare.
- (f) For building facades over 300 feet in length on a Transit Street, two or more primary entrances facing the street must be provided.

- (g) Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.
  - (h) Building entries must comply with the accessibility Standards as outline in Chapter 11 of the International Building Code.
- (5) Ground Floor Windows, Window Walls, Blank Walls, and Design for Non-Residential Buildings on Transit Streets, in the Station Center District and in the Rockwood Town Center District
- (a) All development shall provide ground floor windows along street facades. Required window areas must be either windows that allow views into working areas or lobbies, or pedestrian entrances, or display windows. Required windows shall have a sill no higher than 4 feet above grade, except as follows: Where interior floor levels prohibit such placement, the sill height may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
  - (b) For any wall within 30 feet of a street, at least 20% of the ground floor wall area facing the street shall be display areas, windows, or doorways. Blank walls are prohibited.
  - (c) Darkly tinted windows and mirrored windows that block two way visibility are prohibited as ground floor windows along street facades.
  - (d) Buildings must include changes in relief on 15% of their street facades such as cornices, bases, window treatments, fluted masonry, or other designs for pedestrian interest and scale.
  - (e) Building facades greater than 100 feet in length shall have offset jogs, using elements such as bay windows and recessed entrances for pedestrian scale.
- (6) Except for uses exempted under Section 7.0210(A)(3), Section 9.0821 (Parking Lot Location on Transit Streets) shall apply to parking lots on sites that are subject to the Transit Design Criteria and Standards.
- (7) Service and Loading areas shall be located in accordance with the restrictions of Section 9.0822(A)(12).

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

- (1) All development within the Station Centers and Rockwood Town Center Districts shall follow standards for Orientation/Design of Building and Entrance of Section 7.0210(A)(4) and parking lot location standards of Section 9.0821. However, single family attached dwellings and two-unit attached dwellings which are not located on a transit street are exempt from the parking location standards of Section 9.0821(A) and (B). Development within the Station Centers and Rockwood Town Center Districts shall also meet the following additional criteria of subsections (B)(3) through (B)(10) below.
- (2) Exceptions: As specified in subsections (B) (3) through (10) below, some Additional Transit Design Criteria apply only to sites that abut or face a transit station (across the street) or that abut a street containing a transitway (e.g. Burnside). Some criteria may not apply to sites with unique physical characteristics.

(3) Pedestrian Environment and Access to Transit Facilities – All Sites

- (a) Development shall provide convenient, direct, and barrier-free pedestrian circulation between buildings and adjacent light rail stations, park and ride facilities, public sidewalks, and pedestrian routes. All buildings and sites shall orient their interior and on-site pedestrian circulation to the closest adjacent light rail station. Pedestrian activity centers within one-quarter mile walking distance should also be considered in the layout of pedestrian circulation.
- (b) On-site vehicular and pedestrian circulation shall be designed to minimize vehicular/pedestrian conflicts (e.g. driveway crossings).
- (c) Enhanced pedestrian spaces and amenities accessible to the public are encouraged, such as plazas, arcades, gallerias, courtyards, outdoor cafes, widened public sidewalks (more than 6 feet wide outside the public right of way), benches, shelters, street furniture, public art, kiosks, and street vending. Arcades (covered walks) are encouraged between public art, kiosks, and street vending. Covered walks are also encouraged between primary building entries and adjacent public sidewalks and on other on-site walkways.

(4) Building Facades Adjacent to Transit Facilities

- (a) Site abutting or facing a light rail station: Building should maintain a continuity in design elements with the stations, such as roof lines and materials, and should connect to existing or proposed transit pedestrian spaces and amenities and to transit station landscape treatments.
- (b) All Sites: Buildings should avoid blank walls and provide a series of openings (windows, entries, display areas) on facades which are at street level and/or which face a light rail station.
- (c) All Sites: Enhanced pedestrian spaces as described in subsection (3)(c) above.

(5) Building Orientation to Light Rail Transit

- (a) Site abutting or facing a light rail station, or abutting a street containing a transitway: At least one primary building entry and facade shall face the station or the transitway street.
  - (b) Site abutting or facing a light rail station: All building(s) and site design arrangements shall be linked as directly as possible to the light rail station by a continuous on-site landscaped courtyard plaza or square that leads directly to the station and public walkways accessing the station. Areas for the courtyards, plazas, or squares must contain seating and 20% landscape areas including trees within the enhanced areas.
- (6) Required Parking and Parking Location - All Sites: Parking and maneuvering areas, except spaces designated for park and ride or kiss and ride use, should be located on portions of a site that are furthest in walking distance from an adjacent light rail station.

(7) Building Setback Variation – All Sites: The required minimum building yard setback standards of the underlying land use district may be reduced to zero. Minimum yard setbacks shall apply to off street parking spaces.

(8) Incidental Drive-Through Uses – All Sites:

Drive through uses as defined in Section 3.0010 are not permitted, except when such use is incidental to a primary site use and when designed in conformance with the following standards:

- (a) The incidental drive-through use is limited to one service window which is part of a primary use structure and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.
- (b) On a street containing a transitway, no curb cuts are permitted for the exclusive use of drive-through queuing or exit lanes.
- (c) The drive-through service window and queuing lane(s) are located as far as practical from the closest light rail transit station or a street containing a transitway, and not adjacent to such transit facilities.

(9) Service and Loading Areas -- All Sites

Service and loading areas shall be visually screened from a light rail station or transitway. See also the restrictions of Section 9.0822(A)(12).

(10) Special Criteria for sites abutting or facing a light rail station or park and ride facility contiguous to a light rail station (e.g., Cleveland, or City Hall)

The manager shall approve a development when the applicant can demonstrate compliance with relevant portions of the Community Development Plan and the following criteria are satisfied:

- (a) The development satisfies applicable site design criteria and standards, especially those related to transit development (Sections 7.0210 (A) and (B)). Also see the applicable parking standards in Section 9.0800 and the applicable transit standards found in Section A5.504.
- (b) The development satisfies the applicable Public Transit Services and Central Area Development Policy Implementation strategies in Volume II, Policies, Gresham community Development Plan.

### **7.0211 Manufactured Dwelling Park Design Standards**

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

(A) Permitted structures

- (1) Manufactured dwellings have a gross floor area of at least 400 square feet, provided that all manufactured dwellings shall:

- (a) Bear an insignia of compliance with the Federal Manufactured Housing Construction and Safety Standards Code; or
  - (b) If manufactured prior to June 15, 1976, be demonstrated to be in a condition that is not less than the substantial equivalent of construction standards in effect in Oregon at the time the manufactured dwelling was constructed.
- (2) Accessory structures, including garages, carports, awnings, and storage buildings located on individual spaces; and utility, service, and recreation facilities to be used in common by residents of the park.
- (3) One dwelling other than a manufactured dwelling for the use of a caretaker or park manager responsible for maintaining or operating the park.
- (B) Space Dimension and Separation
- (1) Minimum length for any manufactured dwelling space shall be 50 feet; minimum space width shall be 30 feet at any point adjacent to a manufactured dwelling on that space.
  - (2) Manufactured dwellings shall be separated by a distance of at least 15 feet.
  - (3) An accessory structure shall be separated from any other structure by a distance of at least 6 feet, except that an accessory structure may be less than 6 feet from a manufactured dwelling on the same space.
  - (4) Each manufactured dwelling shall be set back a distance of at least 6 feet from the closest edge of an adjacent park street or sidewalk. This area shall remain unobstructed by any structure with a height of more than 30 inches above ground level, except that poles, posts, and other customary yard accessories may be permitted.
- (C) Landscaping as defined in Section 3.0010:
- (1) Perimeter Buffering and Screening
    - (a) Abutting all contiguous parcels occupied by uses other than manufactured dwelling parks and adjacent to all public streets, a perimeter setback and buffer area of at least 20 feet in width shall be provided. This area shall remain unoccupied by any structure, street, parking or driveway area, except that private street entrances may cross the perimeter buffer area where necessary to provide access to the park. A perimeter setback of at least 5 feet in width shall be provided when abutting parcels are occupied by manufactured dwelling parks.
    - (b) The entire perimeter setback and buffer area shall be landscaped. No less than 75% of the perimeter setback and buffer area shall be covered with living plant material, including lawns and other ground covers, shrubs, and trees. The landscape plan shall indicate plant species and spacing of plant materials sufficient to achieve the required 75% coverage within two years of planting.
    - (c) Within that portion of the perimeter setback and buffer area which abuts public street right-of-way, screening of the park shall be achieved through a combination of earth berms, or decorative masonry walls, or plant materials sufficient to form a visual screen at least 6 feet in height. When warranted by topography or other local conditions, the Manager may require screening in excess of 6 feet in height in order to achieve effective visual screening of the park from an abutting public street. Clear vision areas shall be maintained in accordance with Section 9.0200.

- (d) Within that portion of the perimeter setback and buffer area which abuts adjacent parcels, a sight-obscurating wooden fence or a decorative masonry wall at least 6 feet in height shall be installed to screen the park from adjacent properties. When warranted by topography or other local conditions, the Manager may require screening in excess of 6 feet in height in order to achieve effective visual screening of the park from adjacent properties.
- (2) Interior Open Space
- (a) At least 15% of the gross area of a manufactured dwelling park shall be in landscaped open space. Such open space may include the perimeter setback and buffer area and improved outdoor recreation facilities, but shall not include streets, parking areas, or any land area within designated manufactured dwelling spaces.
  - (b) For each space in a manufactured dwelling park where occupancy by children under 18 years of age is permitted, 100 square feet of improved recreation area shall be provided within the park. Any such recreation area shall contain at least 2,500 square feet and have a minimum width dimension of 30 feet.
- (3) All landscaped areas shall be irrigated by an underground system unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation.
- (4) Newly planted trees shall be irrigated by an underground system unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation.
- (D) Interior streets and pedestrian facilities shall be designed in accordance with the following standards:
- (1) Each manufactured dwelling space shall have direct access to an interior street improved with a hard surface.
  - (2) No manufactured dwelling space shall have direct access to a public street.
  - (3) The intersection of any entrance to a manufactured dwelling park and a public street shall be separated from any other public street intersection in accordance with public street intersection spacing standards of Section A5.502.
  - (4) Interior streets shall be improved to the following minimum widths:
 

| <u>Street Class</u>          | <u>Parking</u> | <u>Pavement Width</u> |
|------------------------------|----------------|-----------------------|
| <b><u>Class 1</u></b>        |                |                       |
| Serving fewer than 50 spaces | None           | 20 feet               |
|                              | One side       | 30 feet               |
|                              | Both Sides     | 32 feet               |
| <b><u>Class 2</u></b>        |                |                       |
| Serving 50 or more spaces    | None           | 22 feet               |
|                              | One side       | 30 feet               |
|                              | Both Sides     | 34 feet               |
  - (5) Private cul-de-sac streets and dead-end driveway accesses shall serve no more than 25 spaces, and shall not exceed a length of 600 feet. Minimum radius for a cul-de-sac turnaround shall be 43 feet, except that the Manager may approve a reduction of pavement width to a 35' radius with a rolled or low profile curb with a sidewalk adjacent to the pavement; where additional off-street parking is provided and the cul-de-sac posted with "No Parking" signs.



- (6) In any manufactured dwelling park containing more than 18 spaces, more than one public street access may be required.
  - (7) Interior streets shall be designed and constructed in accordance with standards established by the State Department of Commerce in OAR 918-600-0050(8) for manufactured dwelling park roads and streets.
  - (8) A system of sidewalks or pedestrian pathways shall be installed linking all manufactured dwelling spaces, recreation areas, parking lots, and common buildings. This system may consist of conventional sidewalks flanking interior streets or an independent network of pathways, provided that for Class 2 streets a sidewalk shall be constructed along at least one side of the street. Where sidewalks are installed along the sides of streets, and for all on-site walkways, public or private walks shall meet applicable City construction and dimensional standards.
  - (9) Minimum sidewalk width shall be 4 feet unless otherwise specified in this Code.
  - (10) Maximum grade for any interior street shall be 12%.
  - (11) The property owner(s) shall be responsible for posting and maintenance of any private street signage, building identification, and individual space identification in accordance with a plan approved by the Manager.
- (E) Parking facilities shall be provided in accordance with the following standards:
- (1) Each manufactured dwelling space shall be provided with a hard surface parking area. Each such parking area shall have minimum dimensions of 10 feet by 40 feet or 20 feet by 20 feet.
  - (2) Where on-street parking is prohibited on both sides of an interior street, guest parking shall be provided in off-street parking bays at the rate of 1 parking space for every three manufactured dwelling spaces along the street. Guest parking bays shall be located in close proximity to the manufactured dwelling spaces being served.
  - (3) Where on-street parking is available on a public street which borders the manufactured dwelling park, such parking spaces may count toward fulfillment of the requirement for guest parking for those manufactured dwellings located between the public street and an interior street on which parking is prohibited. Such parking spaces shall count toward fulfillment of the guest parking requirement only when suitable pedestrian links exist between the public street and the manufactured dwelling park, and only those on-street parking spaces which are located on the side of the public street which abuts the manufactured dwelling park shall be counted toward fulfillment of the guest parking requirement.
  - (4) Recreational vehicles, trailers, and boats shall not be permitted to park on interior streets or in guest parking areas. Such vehicles may be stored within the park in areas designated for storage of personal items.
- (F) General Design Standards
- (1) No more than 60% of any manufactured dwelling space may be occupied by a manufactured dwelling and any other attached or detached accessory buildings.
  - (2) Each manufactured dwelling space shall be provided with at least one slab, deck, or patio constructed of concrete, wood, asphalt, flagstone, or other equivalent material with a minimum size of 120 square feet and a minimum width dimension of 8 feet.
  - (3) A system of hydrants, water lines, and related fire suppression facilities shall be constructed within the manufactured dwelling park as required by the Manager.

- (4) Wheels, axles, and hitch mechanisms shall be removed from all manufactured dwellings at time of placement.
  - (5) All manufactured dwellings shall have continuous skirting consisting of weather-resistant, non-combustible materials which blend with the exterior siding of the manufactured dwelling.
  - (6) Each manufactured dwelling space shall be provided with one accessory storage building with at least 100 square feet of enclosed floor area. All such storage buildings within the park shall be of a uniform design and constructed of the same materials.
- (G) See Section 7.0220 - 7.0223 for additional requirements.

**7.0212 Standards for Solid Waste Recycling and Service and Collection Areas for new Multi-Family, Commercial and Industrial Development**

- (A) New multi-family development of four or more units, commercial development, and industrial development shall provide for recycling and solid waste service and collection areas according to the following standards:
- (1) Recycling and solid waste service areas shall be located in close proximity to each other and be safely accessible to the local licensed hauler's collection vehicles and shall comply with the Gresham Revised Code, 7.25, related to placement of containers for collection.
  - (2) An adequate number of recycling and solid waste service areas shall be provided in locations that are conveniently accessible by the development's users, tenants and/or residents.
  - (3) No recycling and/or solid waste service area shall be located within any required buffer, screening or setback areas. In particular, no such service area shall be located adjacent to a property boundary bordering a low density single-family residential (LDR-5 or LDR-7) area.
  - (4) Adequately sized storage areas for the maximum number of recycling and solid waste receptacles shall be provided to serve the development at maximum occupancy.
  - (5) The location of recycling and solid waste collection areas and method of storage shall be approved by the Fire Marshal.
  - (6) Solid waste collection areas shall be at ground level and accessible to the licensed solid waste and recycling hauler.
  - (7) Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.
- (B) Design and installation of solid waste and recycling service area shall conform to the following standards:
- (1) There shall be unobstructed and safe access, including unobstructed overhead and vertical clearance, for local licensed solid waste collection equipment and personnel. Adequate room shall be provided within enclosures for length and width of the service containers for maneuverability in depositing garbage or recyclable materials.
  - (2) Containers 3 yards and larger may not be placed facing each other inside an enclosure. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container. A minimum of three feet, including pad area, shall be provided in front of each container for maneuverability in depositing garbage or recyclable materials. In cases where the containers face each other, a minimum of four feet shall be provided.

- (3) Enclosure gates shall swing free of obstructions and have restrainers in the open and closed positions. The gate swing should open to a minimum of 120 degrees.
  - (4) For containers of three yards and larger, the minimum safe vehicular access to the front of a service container pad or enclosure shall be a length of 65 feet and width of 12 feet.
  - (5) Recycling and solid waste areas shall be entirely screened from view by a minimum six-foot high sight-obscuring enclosure (fence) in combination with plant materials capable of forming a complete evergreen hedge a minimum of six feet in height. Alternatively, they may be screened by a 6-foot high brick or concrete block (or similar material) wall.
    - a. Enclosures constructed of wood or chain link fencing material shall contain a bumper curb at ground level inside the enclosure or fencing to prevent damage from container impacts.
    - b. Enclosures constructed of concrete, brick, and masonry block or similar type of materials shall contain a bumper curb to prevent damage from container impacts, or a bumper rail. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with service receptacle.
  - (6) Recycling and solid waste service areas shall drain to an approved storm drainage system within five feet of the facility. Drainage system shall be constructed per Gresham Development Code Appendix A5.200 – Surface Water Management Systems and other City Codes. Particular attention shall be paid to water quality treatment per this standard.
  - (7) Adequate area shall be provided within and around the outside of enclosures to allow maintenance to prevent accumulation of waste. Within enclosures, receptacles shall be located on a level cement concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local licensed hauler’s equipment at the time of construction. The pad should be designed to discharge surface water runoff to prevent standing water.
  - (8) Enclosures and trash receptacles located therein shall conform to local fire and structural specialty code provisions and be accepted by the approval authority.
  - (9) “No Parking” signs shall be placed in a prominent location on, or near, the enclosure or painted on the pavement in front of the collection area to provide unobstructed and safe access for servicing receptacles.
- (C) Design and construction of service areas that accommodate drop boxes and compactors shall conform to the following standards:
- (1) The size of the pad for drop boxes and compactors shall be at least 14 feet wide and at least 5 feet longer than the length of the drop box or compactor.
  - (2) The pad shall be located a minimum of two feet from any perimeter wall or structure and in a location that conforms to local fire and structural specialty code provisions and be accepted by the approval authority.
  - (3) Loading dock areas that accommodate drop boxes or compactors shall have a guide rail and bumper stop placed at ground level or at dock level, where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.
  - (4) Drop boxes and compactors shall be located on a level concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local licensed hauler’s equipment at the time of construction. The pad should be designed to discharge surface water runoff to prevent standing water.

- (5) Compactors shall be compatible with collection equipment and weight limits prescribed by State and local law. The local franchised collection firm shall be consulted for equipment compatibility.
  - (6) The minimum safe vehicular access to the front of a drop box or compactor pad shall be a length of 65 feet and width of 12 feet.
  - (7) “No Parking” signs shall be placed in a prominent location on, or near, the collection areas, or painted on the pavement in front of the collection area to provide unobstructed and safe access for servicing receptacles.
- (D) The on-site storage of special wastes/recyclable materials shall conform to the following standards:
- (1) Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed of in a manner acceptable to the Oregon Department of Environmental Quality.
  - (2) Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials should be stored in separate storage areas designed for this purpose.

### **Additional Requirements**

#### **7.0220 Optional Improvements With Site Design Review**

To the extent necessary to meet the criteria for site design review contained in this ordinance, the approval authority may impose the following additional requirements on a development subject to advising the applicant of the reason in writing.

- (A) Establish the suitability of the landscape plan by having it prepared by a licensed landscape architect.
- (B) Obtain City Engineer's approval of a grading and drainage plan for the collection and transmission of storm or ground water.
- (C) Establish vehicle and pedestrian access facilities with due consideration to size, location and grade.
- (D) Dedicate and improve public street right-of-way, a pedestrian way, or an easement for utilities, a waterway or slope protection.
- (E) In the case of commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic carrying capacity and safety of the arterial street and will avoid the cumulative effect of individual access points directly onto the arterial street.
- (F) Provide access to a street that intersects an arterial street instead of taking access directly from the arterial street in order to preserve the traffic carrying capacity and safety of the arterial street and avoid the cumulative effect of individual access points directly onto the arterial street.

### **7.0221 Landscaping Installation**

- (A) Occupancy permits may be issued prior to the complete installation of all required landscaping if a Guarantee of Completion equal to 110% of the estimated cost of plant materials and labor as determined by the Manager is filed with the City ensuring such installation within a time specified by the Manager, but not exceeding six months after occupancy.
- (B) The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City.

### **7.0222 Irrigation Provisions**

Underground irrigation may be eliminated without the signature of a licensed landscape architect if the existing vegetation which is employed in the landscape plan has been previously established.

### **7.0223 Maintenance Responsibility**

The property owner is responsible for the maintenance of the site improvements including plant material, restriping parking stalls, posting of the correct address as determined by the Manager, and ensuring the preservation of the Clear Vision area and the visibility of addresses and street signage.

For the purpose of this subsection, maintenance also includes the replacement of landscaping and street trees that are dead or damaged for various reasons.

For complexes, homeowner associations, site management offices, or such other system (including financial assurances) for maintenance management shall be established for purposes of maintenance responsibilities. Where private easements are established (such as with single family attached complexes) to meet open space requirements, property owners will be held responsible for maintenance responsibilities via easement language and deed covenants and restrictions. Maintenance systems shall be established prior to occupancy and appropriate documentation provided to the City for verification.

Failure to maintain site improvements and landscaping may be determined to be a violation of this section.

### **7.0224 Site Lighting**

On-site lighting for all developments subject to site design review shall be hooded or directional so as to reduce the lighting of adjacent properties. The Manager may require reduced lighting intensities or special fixtures to accomplish this provision. Lighting plans addressing this requirement are required to be submitted as part of the site design review application package.

# Article VIII Special Uses

## Section 8.0100 Community Services

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### General

- 8.0101 Community Service
- 8.0102 Review of Community Services

### Type I - III Community Services

- 8.0110 Type I Community Services
- 8.0111 Type II Community Services
- 8.0112 Type III Community Services
- 8.0113 Application for a Community Service Permit
- 8.0114 Design Review and Approval Criteria for Community Services

### Development Requirement

- 8.0120 Introductory Provisions
- 8.0121 Standards
- 8.0122 Requirements

## General

### **8.0101 Community Service**

In addition to development intended for a land use district, there are community services that are appropriate in a particular area because of social or technical needs.

The approval of a community service is for a specific use. Any change or expansion of a use approved under the Type II procedures shall be subject to approval of the Manager.

### **8.0102 Review of Community Services**

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

## **Type I - III Community Services**

### **8.0110 Type I Community Services**

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

- (A) Recycling drop box when located in a commercial or industrial land use district and where the box is located not closer than 500 feet of a residential structure.
- (B) Transit bus shelters under 100 square feet in floor area.
- (C) Temporary buildings for a real estate office in a new subdivision for the sale of homes within the subdivision and temporary space while a permanent structure is being constructed.
- (D) Minor utility and public facilities, including soil treatment facilities, where the facilities are treating existing, on-site soils; diversion structures and pump and lift stations; wellheads, pump stations, water purification facilities not exceeding 1,000 sq. Ft. Of building area and not exceeding the maximum building height of the underlying district; water storage facilities not occupying more than 1,000 sq. ft. of site area, and not exceeding the maximum building height of the underlying district.
- (E) Portable classroom for an existing public or private school.
- (F) Cellular communication antennae co-located on an existing Community Service approved cell tower or location, provided the required equipment facilities can be contained within the confines of the existing approved site, and, reduced size cellular communication antennae and equipment proposed for location on existing utility poles, provided no on-ground equipment accompanies the antennae and said antennae does not extend out more than two (2) feet from the pole, or, does not extend beyond the easement or public right-of-way where the power pole is located, whichever distance is less. Such antennae and facilities that qualify for Type I review will not be subject to Site Design Review and provisions of Section 7.0102.
- (G) If an alternative plan for a required buffer is proposed, as permitted under Section 9.0110, the community service for (D) and (E) above shall be processed under the Type II procedure.

### **8.0111 Type II Community Services**

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

- (A) Emergency service facility such as a fire station or ambulance service.
- (B) Public urban plazas and public walking/hiking trails with associated trail access points and trailheads.
- (C) Public neighborhood parks
- (D) Buildings used for religious worship, with seating for 300 or fewer persons within the principal place of assembly.
- (E) Cemetery, crematory, mausoleum, mortuary, or funeral home.
- (F) Public or private elementary or middle school, academically accredited by the state of Oregon, proposed for development in any district other than the Downtown Plan District or the Civic Neighborhood Plan District.
- (G) Boat moorage, marina or houseboat moorage.
- (H) Adult or senior center.

- (I) Community food or non-profit hot meals service.
- (J) Major utility structures, including but not limited to substations, telephone switching stations, cellular communication facilities that do not meet the requirements for Type I review, and other facilities required for the transmission of power or communications.
- (K) Sewerage or drainageway system structures, including but not limited to pump stations, or sewage or stormwater treatment plants.
- (L) Water system structures, including, but not limited to treatment plants, storage reservoirs, pump stations, or other major facilities associated with the supply or distribution of water.
- (M) Expansion of an existing Type II community service, except as specified elsewhere in this code.
- (N) Bed and Breakfast inns subject to the standards of Section 8.0121(J) of the Community Development Code.
- (O) Helicopter landing facility and modification of an existing helicopter landing facility. Modification includes an increase in the number of flights; changes in flight path, number or type of helicopter, hours of operation; addition of refueling or repair facilities; or changes in size or location of landing and take off pads.
- (P) Medical offices developed in conjunction with a hospital facility or as part of a hospital facility campus.

### **8.0112 Type III Community Services**

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

- (A) Public or private high school or college that is academically accredited by the state of Oregon. Schools that are customarily commercial rather than academic in nature such as business, dance, karate, and other instruction schools shall not be located in a residential or office/residential land use district nor approved as community service.
- (B) Public or private elementary or middle school, academically accredited by the State of Oregon, proposed for development within the Downtown Plan District or the Civic Neighborhood Plan District.
- (C) Transit facilities such as park and ride or equipment storage facilities.
- (D) Solid waste transfer stations and solid waste landfills.
- (E) Campground.
- (F) Golf course.
- (G) Stadium, arena, or auditorium.
- (H) Public buildings such as, but not limited to, a city hall, post office, or library.
- (I) Hospital.
- (J) Theme park.
- (K) Child care facilities for 13 or more children.
- (L) Child care facilities for up to 12 children operated by a person other than a resident of the home where the care will be given.



- (M) Private club, fraternal organization, or lodge.
- (N) Resort.
- (O) Drug and alcohol treatment facility.
- (P) Elderly housing.
- (Q) Expansion of an existing Type III Community Service.
- (R) Public community parks.
- (S) Public multi-use paths with associated trail access points and trailheads.
- (T) Buildings used for religious worship, with seating for over 300 persons within the principal place of assembly.
- (U) Commercial parking facilities.
- (V) Electrical generating facilities
- (W) Recycling facilities, including drop-box transfer stations, transfer stations, recycling collection sites, and recyclables recovery facilities.

#### **8.0113 Application for a Community Service Permit**

A community service is subject to approval pursuant to Sections 8.0101 through 8.0114, unless it has been excluded from development permit requirements by Section 11.0102. An application for the proposed development shall provide facts and evidence sufficient to enable the approval authority to make a determination in compliance with the criteria set forth in Section 8.0114, of the Community Development Code.

#### **8.0114 Design Review and Approval Criteria for Community Services**

- (A) Most Community Services require submission of a Site Design Review application as provided by Article VII of the Community Development Code. Type I Community Services and the following uses are exempt from site design review and public facilities requirements:
  - (1) Child care facility for 12 or fewer children and adult foster homes within an existing residential structure.
  - (2) Recycling drop box.
  - (3) Expansion of the floor area of a community service use by less than 2,000 square feet.
- (B) An applicant shall provide a narrative that details how the proposal fulfills the applicable requirements found in Article VII and is designed to be as compatible with the surrounding land uses as possible and measures are taken to mitigate any unavoidable negative impacts. Factors to be considered include:
  - (1) location of parking and loading, and effects on off-site parking;
  - (2) generation of high amounts of traffic;
  - (3) street access points;
  - (4) buffering and screening to protect privacy;

- (5) noise or illumination controls;
- (6) structure height;
- (7) hours of operation;
- (8) crime prevention;
- (9) visual elements (e.g., scale, structural design and form, materials);
- (10) signage;
- (11) noxious odors;
- (12) lighting;
- (13) effects on air and water quality;
- (14) potential for glare, noise and dust, vibration, and other environmental effects which may disturb neighboring property owners;
- (15) other impacts which are unique to the specific use.

(C) An applicant for a helicopter landing facility shall also:

- (1) Provide an acoustical and mitigation plan report which details the design and measures to be taken which will minimize noise impacts to noise sensitive units as defined in Article 7.20. Noise Control Code of the Gresham Revised Code. The report, at a minimum, shall discuss and make recommendations for best management practices concerning preferred approach/departure flight paths; preferred approach/departure path slopes; preferred approach/departure air speeds; preferred times of use; nearby existing natural flight corridors such as freeways and industrial areas that the helicopter landing facility may utilize; and other relevant factors. The plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. The report shall be prepared by a professional consultant experienced in airport noise evaluation and federal and state airport noise standards.

The report shall include the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis and the purpose of the helicopter trips and an approach/departure flight path plan showing proposed flight path locations, widths, lengths and slopes.

- (2) Demonstrate that an application has been made to the Oregon Department of Transportation, Aeronautics Section, by submitting a copy of the helicopter application made to OAD which identifies the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.

- (D) An applicant for an elderly housing community service use shall demonstrate that there is a need for the facility in the vicinity of the proposed site and submit a market feasibility analysis as part of the applicant's showing that there is such a need. The "vicinity" shall be defined by the applicant; however, the burden shall be on the applicant to demonstrate that the vicinity chosen is one that is reasonable and appropriate for the project, based on its size, the type of housing included in the project and the existence of other similar projects in the target market.

- (E) An applicant for a public walking/hiking trail or public multi-use path including associated trail access points and trailheads shall provide narrative and plans that demonstrate consistency with applicable provisions of the Gresham Trails Master Plan Chapters 7 and 10.

If the application includes a surface parking lot it shall be consistent with Section 9.0823 except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in Section 9.0823(C)(1), (2) and (3) and the general intent of the Gresham Trails Master Plan that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

The Buffering and Screening Requirements of Section 9.0100 shall apply except in the following situations: where the proposed trail development is more than 30 feet from an abutting property line, or where the abutting property is an open space parcel, or where the proposed trail development abuts a street right-of-way. When buffering and screening is required an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

The application is exempt from the following Site Design Data Requirements: 7.0102(A)(1)(b) is limited to the trail development area and trailheads; 7.0102(A)(1)(e) and (A)(2)(d) is limited to trailheads; and 7.0102(A)(2)(i).

The application is exempt from the following Site Design Criteria and Standards: 7.0202: A, B, E, F K(5); and 7.210 A & B.

- (F) An applicant for a cellular communications facility that includes a cell tower must co-locate on an existing cell tower, unless it can be reasonably demonstrated that such is not feasible, in which case the new cell tower shall be grouped at the same site, or, be located no closer than 2,000 linear feet from another cell tower. No cell tower shall be located within the LDR-5, LDR-7, TLDR and TR Districts, unless such location is absolutely necessary for the maintenance of cellular communications within that cell area. For all cell tower proposals, the facility shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional antennae facilities.

## **Development Requirements**

### **8.0120 Introductory Provisions**

The Community Development Code identifies uses which because of their social or technical need can be located in most areas within the city.

### **8.0121 Standards**

Community Services shall be located in conformance with the following standards:

- (A) Adjacent land uses: Solid waste transfer stations and solid waste landfills, sewage treatment plants, electrical generating facilities, or stadium shall not be located in or adjacent to residentially designated land.

(B) Solid waste transfer stations, solid waste landfills, campgrounds, and golf courses are not permitted in the Downtown Plan District, the Civic Neighborhood Plan District, the Station Center District or the Rockwood Town Center District.

(C) Except as provided in subsection (D), below, the following community service uses are prohibited in the Light Industrial, Heavy Industrial, or Business Park Districts:

- Temporary buildings for residential real estate sales
- Public urban plazas, public neighborhood parks, and public community parks
- Buildings used for religious worship
- Cemetery, crematory, mausoleum, mortuary, or funeral home
- Public or private elementary school academically accredited by the State of Oregon
- Boat moorage, marina or houseboat moorage
- Adult or senior center
- Bed and breakfast inns
- Medical offices developed in conjunction with a hospital
- Public or private high school or college that is academically accredited by the State of Oregon
- Campground
- Golf course
- Hospital
- Private club, fraternal organization, or lodge
- Resort
- Drug and alcohol treatment facility
- Elderly housing
- Commercial parking facilities

(D) Notwithstanding provisions of Section 8.0121(C), public elementary schools, public high schools, public urban plazas, public parks, and buildings used for religious worship may be permitted in the BP, HI, and LI districts when an applicant demonstrates that title for the parcel(s) where the facility is to be developed was held by the governing body for the applicant as of the effective date of this ordinance.

In addition, notwithstanding provisions of Section 8.0121(C), the City Council, after a de novo Type III hearing before the City Council without prior Planning Commission or Hearings Officer review, may authorize application for a development permit (pursuant to Section 8.0113) for a new, public, elementary or high school in the LI, HI, or BP district when a potential applicant for such a facility demonstrates to the City Council that suitable school sites are not available outside the LI, HI, or BP district. If the City Council authorizes such application, the appropriate decision making body reviewing the application is authorized to grant the development permit application for a new public elementary school, as a Type II Community Service, or public high school, as a Type III Community Service, in the LI, HI, or BP district, where the application also meets the applicable requirements of the Gresham Community Development Plan.

(E) Transportation Efficiency: An applicant for any Type II or Type III Community Service use which will generate 100 or more daily trips shall submit a map depicting the estimated service area. For example, a) for public schools, the estimated service area shall be that geographic area surrounding the proposed location containing 100% of the households to be served by the school; b) for other than public schools, the estimated service area shall be that geographic area surrounding the proposed location containing a majority of the employees, visitors, members, users, and/or clients, that will travel to the use. The applicant shall also provide findings demonstrating that:

- (1) The use is centrally located within the estimated service area, as far as is practical;
- (2) The use is accessible to the estimated service area via a variety of travel modes (pedestrian, bicycle, transit, and auto) and an adjacent transportation system appropriate to the scale of use (regional, community, or local);
- (3) Travel demand management measures such as the use of alternative modes, ride-share and van-pool programs, or other measures will be employed so as to limit impacts on the existing and planned transportation system adjacent to the location and within the estimated service area; and
- (4) Related uses supportive of the proposed Community Service, if any, are located adjacent to the site or within the estimated service area.

(F) Commercial parking facilities are not permitted in the LDR-5, LDR-7, TLDR, TR or MDR-12 Districts.

(G) Street Access:

- (1) Buildings used for religious worship and public or private high schools shall have direct access to a street with a functional classification of Neighborhood Collector or greater.
- (2) Park & Ride facilities, campgrounds, golf courses, public buildings (such as city hall, post office, library, fire station), private club, fraternal organization or lodge, medical offices (when developed adjacent to a hospital facility), auditorium, exhibition hall, or resort shall have direct access to a street with a functional classification of Collector or greater.

- (3) Solid waste transfer stations, solid waste landfills, stadiums, arenas, hospitals, or theme parks shall have direct access to a street with a functional classification of Minor Arterial or greater.
- (4) Elderly housing shall meet at least one of the following standards:
  - (a) Be located in the Station Center District; or
  - (b) Be located in the Downtown Plan District; or
  - (c) Be located in the Rockwood Town Center District; or
  - (d) Be located in the Civic Neighborhood Plan District; or
  - (e) Have frontage on a Transit Street or a Transit Route, as identified in Section A5.400 of the Community Development Code; or
  - (f) Be within 1,000 feet walking distance of a transit facility and have direct access to a street with a functional classification of Neighborhood Collector or greater. For the purposes of this section, a transit facility includes a light rail transit station, or a park and ride lot for transit riders, or a transit center, or a transit stop and their transit improvements, including a bus stop.
- (H) Community Service structures shall meet the following site development requirements, except for proposed uses in an existing residential structure:
  - (1) Minimum yard setbacks in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24 and CMF:
    - (a) Front yard = 30 feet
    - (b) Side yard = 20 feet for one-story buildings and 25 feet for two or more stories.
    - (c) Rear yard = 25 feet
    - (d) Exception: structures included with a public trail development shall be as required in the district, and, structures fronting a transit street or arterial street shall be subject to the front yard setbacks as required in the district.
  - (2) Minimum yard setbacks in OFR, NC, GC, RTC, SC, CMU, CC, MC, BP, LI, and HI: All yards shall be as required in the district.
  - (3) Maximum building height: All building heights shall be as required in the district.
  - (4) Maximum lot coverage in the LDR-5 or LDR-7 Districts shall be 50%.
- (I) Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed the following maximum density requirements:
  - (1) A maximum of 22 living units per acre in the LDR-5, LDR-7, TLDR and TR Districts.
  - (2) A maximum of 62 living units per acre in all other land use districts or the maximum allowed in the land use district, whichever is greater.
- (J) Bed and Breakfast Inns shall conform and comply with all of the following standards and requirements:
  - (1) The structure used for a Bed and Breakfast Inn shall be designed for and occupied as a single family residence. The structure shall maintain the characteristics of a single family residence. The structure must have been occupied for at least five years of its life as a single family residence before a Bed and Breakfast Inn is allowed.

- (2) All residences used for Bed and Breakfast inns shall be occupied as the primary residence of the applicant who operates the Inn. The inn must be an accessory use to the primary residence use.
  - (3) A maximum of four sleeping rooms shall be made available for guest occupancy.
  - (4) A minimum of one on site parking space shall be provided for each bed and breakfast guest sleeping room. In addition parking standards normally required for a single family residence will apply. Guest parking shall not be allowed in a required front yard.
  - (5) One on premise sign shall be permitted. The sign shall be non- illuminated and shall not exceed 6 square feet of face area and 3 feet in height above grade.
  - (6) The duration of each guest's stay at the Bed and Breakfast inn shall be limited to no more than 30 consecutive days.
  - (7) All Bed and Breakfast Inns shall be inspected and approved by the City Building Official and Fire Prevention Officer prior to the issuance of an occupancy permit. The inn shall conform to the requirements of the applicable Building, Specialty, Fire and other Codes. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector.
  - (8) Bed and Breakfast Inns shall obtain and maintain a City Business License and are subject to the City Transient Lodging Tax. Bed and Breakfast Inns shall obtain and maintain all applicable licenses and permits required by the State of Oregon.
  - (9) If a Bed and Breakfast Inn is not established within one year of the development permit approval date, or if the use of the residence as an Inn lapses for over one year, the development permit shall automatically expire and a new application will be required.
  - (10) If the Bed and Breakfast Inn is found to be in violation of the standards and requirements of this section, the Manager, pursuant to the Type II procedure, may revoke its development permit.
- (K) Helicopter landing facilities shall meet the following standards:
- (1) Are permitted in GC, RTC, CC, LI, HI, BP Districts, and the Downtown Plan District and the Civic Neighborhood Plan District.
  - (2) Are permitted in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF, CMU, SC, MC, OFR and NC Districts as an accessory to a community service use. Only trips which support the community service use are allowed.
  - (3) Repair facilities are allowed only in the LI and HI Districts. Minor or emergency repairs and routine maintenance are allowed in all districts. All storage and repair shall be conducted in enclosed building.
  - (4) Refueling facilities are allowed in conjunction with an approved helicopter landing facility.
  - (5) A setback distance of 200 feet shall be required for landing and take-off pads and refueling facilities from abutting Residential Development District, Mixed Use Development District and NC District property lines. A setback distance of 50 feet shall be required for landing and take-off areas and refueling facilities from all other abutting property lines. All setback distances will be measured from the edge of the landing pad. This provision does not apply to landing and take-off pads located on top of a building.

Other site improvements shall be consistent with the applicable setback yard provisions of the underlying district.

- (6) A 20 foot wide landscaped buffer and screening area shall be provided around the landing and take-off pads and refueling facilities. Landscape plantings shall be consistent with the vegetative requirements of the 'C' buffer of Section 9.0100 of the Community Development Code. This requirement is in addition to any buffering and screening required by Section 9.0100 of the Community Development Code. The trees must be located so as to not encroach into an 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions. This provision does not apply to a helicopter landing facility on top of a building.
- (7) All take-off, landing, and parking areas shall be surfaced with a dust proof and gravel free material.
- (8) Prior to occupancy of an approved helicopter landing facility submit a copy of the Oregon Department of Transportation Aeronautics Section heliport application approval.

#### **8.0122 Requirements**

The following conditions may be attached by the approval authority when necessary to achieve conformance with applicable provisions of Section 8.0100 and to otherwise minimize adverse impacts of the proposed use:

- (A) Limiting the manner in which the use is conducted including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (B) Establishing special yard, open space, lot area or dimensional requirements.
- (C) Limiting the height, size or location of a building or other structure or use.
- (D) Designating the size, number, and location and nature of vehicle access points.
- (E) Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading areas.
- (F) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (G) Limiting the intensity of outdoor lighting and require its shielding.
- (H) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for its installation and maintenance.
- (I) Designating the size, height, location of screening and materials for a fence.
- (J) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource.
- (K) Limiting the time of operation, or requiring adjustments to the manner or nature of the operation to avoid conflict with adjacent uses.



## **Section 8.0200**

### **Existing and Nonconforming Uses and Development**

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#### General

8.0201 Purpose

8.0202 Site Design Review Standards

#### Continuation of Nonconforming Situations

8.0210 Nonconforming Situations

8.0211 Legal Nonconforming Situation

#### Alteration / Expansion of Nonconforming Situations

8.0220 Changes to Nonconforming Uses and Developments

8.0221 Enlargement and Moving of a Nonconforming Development

8.0222 Enlargement and Moving of a Nonconforming Use

#### Loss of Nonconforming Status

8.0230 Damages to Nonconforming Situations

8.0231 Discontinuation or Vacation of Nonconforming Situations

#### Special Requirements for Nonconforming Uses in Land Use Districts

8.0240 Nonconforming Uses in Residential Land Use Districts

#### Process For Establishing Or Altering Nonconforming Situations

8.0250 Documentation of Existing Conditions and Continuance

8.0251 Nonconforming Procedures

### **General**

#### **8.0201 Purpose**

It is the intent of the Community Development Code to permit nonconforming uses and developments to continue until they are removed, but not to encourage their perpetuation. It is further the intent of the Code that nonconforming uses and developments shall not be enlarged or moved, nor be used as grounds for adding other structures or uses not permitted elsewhere in the same district, except as specifically provided in this section.

#### **8.0202 Site Design Review Standards**

All site design review requests shall comply with all applicable standards in the Community Development Code.

Development which only affects a portion of a site shall conform with the applicable standards for that portion of the site where development is proposed. Where non-conforming development exists on part of a site (not being re-developed) compliance with the following standards for the entire developed site is required:

- (A) The screening requirements in Section 9.0100-Buffering and Screening, if applicable.
- (B) The street tree planting requirements in Section 9.1020-Street Trees.
- (C) The parking lot landscaping requirements in Section 9.0823(C)(1), (2), (3), and (4).
- (D) The pedestrian circulation connection requirements in Section 7.0202(K).

- (E) The bicycle parking requirements in Section 9.0830 - Parking.
- (F) The Carpool /Vanpool requirements in Section 9.0857.

The applicant shall not be required to spend more than 10% of project costs on these improvements if they are on that portion of the site not being developed. If full compliance with the above requirements cannot be achieved within the 10% project cost limitation, the applicant shall comply with the above requirements in the order of priority as listed. However, the Manager may vary the listed priority if it is determined that the adjacent neighborhood or the public would be better served by applying a different order of the above standards on a particular site.

## **Continuation of Nonconforming Situations**

### **8.0210 Nonconforming Situation**

Nonconforming situations are created when prior uses, development and structures were developed in compliance with specific land use districts, but are no longer in conformance due to changes to the land use district or changes to the regulations of the Code. Nonconforming situations can be made up of either a nonconforming use or a nonconforming development, which are defined in Section 3.0010, Definitions.

### **8.0211 Legal Nonconforming Situations**

Legal non-conforming (“Grandfather”) situations recognize that all uses and developments are not required to conform automatically to changes in the Community Development Code. The following subsections may be considered a legal non-conforming situation:

- (A) Except as otherwise provided in this section, any situation lawfully existing prior to the implementation of this development code on August 27, 1992 or subsequent amendments to the development code shall be defined as a legal nonconforming situation and may be continued so long as it remains otherwise lawful.
- (B) A lot of record or a parcel of land for which a deed or other instrument dividing the land was recorded with Multnomah County prior to December 16, 1975, or either approved by Multnomah County or recorded prior to July 26, 1979, if annexed after that date, may be occupied by uses as provided in Article IV - Land Use Districts of this ordinance.
- (C) A pre-existing address that is determined not to conform to current City standards as specified in the Development Code and City of Gresham Street Naming and Property Addressing Guidelines is not considered a legal non-conforming situation and is not allowed to remain, once identified. A non-conforming address or property number is subject to correction upon notice.

## **Alteration / Expansion of Nonconforming Situations**

### **8.0220 Changes to Nonconforming Uses and Developments**

- (A) In order to avoid undue hardship, nothing in this section shall require any change in the location, plans, construction, size, or designated use of any building, structure, or part thereof, for which a valid development permit has been granted prior to the enactment of the Community Development Plan.
- (B) A nonconforming use may be extended throughout any existing parts of a building which were clearly arranged or designed for such use at the time the use became nonconforming.

- (C) For any existing structure on the site of a nonconforming use or development, normal maintenance and repairs or replacement of walls, fixtures, wiring, or plumbing shall be performed in a manner not in conflict with the other provisions of this section. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (D) The alteration, enlargement, or moving of a nonconforming use or development shall not increase detrimental effects (i.e. noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare) in the surrounding area greater than the effects from the existing use or development generated at the time it became nonconforming. Findings to this effect shall be made by the Manager under the Type II procedure.
- (E) The enlargement, moving, or structural alteration of a nonconforming use or development shall not:
  - (1) Place any structure associated with the nonconforming use or development in a different occupancy group as defined by the Uniform Building Code.
  - (2) Increase the risk to life or risk of fire hazard of the use or development, or of any structure associated with the use or development, as defined by the Uniform Building Code Occupancy Group Classification.
- (F) Full conformance with the following requirements and standards of the Community Development Code shall be required in connection with the enlargement or moving of any nonconforming use or development that does not require a site design review as per Section 7.0000:
  - (1) Public facilities standards of Section A5.000, et. seq.;
  - (2) Screening and buffering requirements of Section 9.0100;
  - (3) The requirements of Section 8.0202.
- (G) Full conformance with applicable standards which specify the proportion of the site to be landscaped, shall be achieved in connection with the enlargement or moving of a nonconforming use or development.
- (H) A legally established nonconforming use may be replaced by another nonconforming use that is deemed to be essentially identical to the legally established nonconforming use under the Type I procedure. An example would be the replacement of a nonconforming hair salon by a barber shop. Any such replacement is subject to compliance with Sections 8.0220 and 8.0231.
- (I) A legally established nonconforming use shall only be replaced by another such use that is deemed substantially similar to the legally established use after review under the Type II procedure. An example would be the replacement of an automotive tire and brake repair facility by an automotive muffler shop. Any such replacement is subject to compliance with Sections 8.0220 and 8.0231.
- (J) An alteration to a nonconforming development that requires a site design review (as per Section 7.0000) shall be subject to all current standards with the exception that existing nonconforming structures are allowed to remain in a nonconforming condition. Enlargement of a nonconforming structure is subject to this section and Section 8.0221, and to applicable site design review standards. New development and structures on a nonconforming development site are subject to all current standards.

### **8.0221 Enlargement and Moving of a Nonconforming Development**

A nonconforming development may be enlarged or moved as authorized by meeting the requirements of this section, following Type II procedures.

- (A) Where a nonconforming development is substandard with respect to setbacks, enlargement or moving of a development which maintains the existing, substandard setback may be permitted, but further encroachment into required setbacks shall not be permitted. Any new development other than enlargement or moving of an existing development feature shall conform with applicable setback requirements for the district in which the site is located. Actions which would cause encroachment into an abutting public street right-of-way shall not be permitted.
- (B) Any portion of a nonconforming development to be relocated on site or enlarged shall be subject to height limits applying to the district in which the development is located except that minimum height standards shall not apply to one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet. In undertaking any enlargement or moving, the development as a whole shall conform with applicable lot coverage standards.
- (C) Conformance with applicable minimum lot size, minimum street frontage, and lot dimension requirements shall not be required in connection with the enlargement or moving of a development which is deficient in these areas, provided the Manager finds full conformance with all other provisions of this section.

#### **8.0222 Enlargement and Moving of a Nonconforming Use**

Except as provided in Section 8.0260 and except as provided in Subsections (F) and (G), a non-conforming use may be enlarged or moved as authorized by this section, following the Type II procedure.

- (A) Buildings associated with a nonconforming use may be enlarged as provided in this section, but shall not be moved. Non-building elements of a nonconforming use, such as off-street parking or outdoor storage areas, may be moved in conformance with provisions of this section.
- (B) Except as provided in Subsections (F) and (G), a nonconforming use may be permitted to enlarge by no more than 20% of the floor area or land area occupied by the use. Any such enlargement of building area or of land area occupied by a nonconforming use may be permitted one time only during the life of the nonconforming use. Where enlargement of a nonconforming use is permitted, it shall be limited to the lot or parcel on which the use is located, or to an abutting lot or parcel under the same ownership at the time the use became nonconforming, provided the abutting lot or parcel is contiguous and not separated by right-of-way from the lot or parcel on which the nonconforming use is located. If the abutting lot or parcel has a different district designation than the nonconforming use, enlargement of the use onto that lot or parcel shall be permitted only if the use is permitted within that district.
- (C) Except for nonconforming single-family dwellings and two-unit attached dwellings [see Subsection (F)], and except for nonconforming community services [see Subsection (G)], any portion of a nonconforming use proposed to be enlarged or moved shall be subject to height, setback, and lot coverage standards applying in the district in which the use is located.
- (D) Non-building elements of a nonconforming use may be moved within the same lot or parcel, or within an abutting lot or parcel under the same ownership at the time the use became nonconforming, provided the abutting lot or parcel is contiguous and not separated by right-of-way from the lot or parcel on which the nonconforming use is located. If the abutting lot or parcel has a different district designation than the nonconforming use, movement of the use onto that lot or parcel shall be permitted only if the use is permitted within that district.
- (E) Except as provided in Subsections (F) and (G), the enlargement or moving of a nonconforming use shall not result in a greater number of structures associated with the use than the number of structures existing prior to the action. Any enlargement of a nonconforming residential use shall not result in an increase in the number of dwelling units on the site.

- (F) Under the Type I procedure, a single-family dwelling, or a two-unit attached dwelling which is a nonconforming use, may be altered or enlarged any number of times in conformance with standards of Table 4.0130(D), (E), (H) and (I) of the Community Development Code. Accessory structures on the same site as nonconforming, single-family dwellings and nonconforming, two-unit attached dwellings may, under the Type I procedure, be constructed or enlarged in conformance with standards of Section 10.0200 of the Community Development Code.
- (G) A nonconforming community service use may be altered or enlarged any number of times, subject to provisions of Section 8.0113. Where enlargement or alteration of a nonconforming community service use is permitted, it shall be limited to the lot or parcel on which the use is located, or to an abutting lot or parcel under the same ownership at the time the use became nonconforming.

### **Loss of Nonconforming Status**

#### **8.0230 Damages to Nonconforming Situations**

- (A) Except as provided in Section 8.0240 when a nonconforming development or a structure on the site of a nonconforming use or where one or more structures on the site of a nonconforming use (other than a nonconforming single-family dwelling) is damaged by fire or other cause beyond the control of the owner, if the estimated cost of repairing the development or structure is more than 80% of its current value, the development or structure may be repaired or reused only in full conformance with all provisions of the Community Development Code for the district in which the site is located.
- (B) Except as provided in Section 8.0240, a nonconforming single-family dwelling which has been damaged beyond 80% of its current value may be reconstructed, under Type III procedure, provided the cause of damage was beyond the control of the owner.
- (C) A nonconforming single-family dwelling may only be intentionally demolished and replaced by a new single-family dwelling if the new structure is permitted by the district in which the site is located and is conforming to all district development standards. A nonconforming single-family dwelling may not be replaced or reconstructed in a district where single-family dwellings are not permitted except as allowed in Sections 8.0230(A) and (B) above.

#### **8.0231 Discontinuation or Vacation of Nonconforming Situations**

When a nonconforming use or development is discontinued or vacated for one year or longer, the site and any structures on the site shall be occupied only by a use or uses which are permitted in the district in which the site is located. For purposes of this subsection, a use shall be considered discontinued or vacated upon the occurrence of the first of any of the following events, as determined by the Manager under the Type II procedure:

- (A) The date on which the structure(s) and/or site are vacated;
- (B) The date of termination of any lease or contract under which the nonconforming use has occupied the site;
- (C) The date when outwardly visible activity associated with the nonconforming use ceases;
- (D) The date for which close out billing for water or sewer service for the nonconforming use is requested;

- (E) The date on which payment for water or sewer service for the nonconforming use becomes 60 days past due.
- (F) The expiration date of a valid City business license that was not renewed.

## **Special Requirements for Nonconforming Use in Land Use Districts**

### **8.0240 Nonconforming Uses in Residential Land Use Districts**

Notwithstanding the provisions of this section, any nonconforming use engaged in manufacturing, processing, storage, sales, or personal or business services which is located in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24 or CMF Districts shall be subject to the following limitations:

- (A) The detrimental effects of the nonconforming use in the surrounding area due to noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare shall not increase beyond the levels existing at the time of the effective date of this section.
- (B) The hours of operation and number of employees of the nonconforming use shall not increase beyond the hours of operation and number of employees existing at the time of the effective date of this section.
- (C) There shall be no enlargement or moving of the nonconforming use, or any development associated with the use, after the effective date of this section.
- (D) The extent of existing buffering and screening between the nonconforming use and abutting conforming uses shall not be diminished after the effective date of this section.
- (E) Where one or more structures on the site of a nonconforming use is damaged by fire or other cause, and the estimated cost of repairing the damaged structure or structures amounts to more than 50% of the value of all improvements on the site, the nonconforming use shall be terminated. The estimated cost of repair shall be determined by the Manager under the Type II procedure, based on best available information.

## **Process For Establishing Nonconforming Situations**

### **8.0250 Documentation of Existing Conditions and Continuance**

Nonconforming situations must provide evidence indicating the nonconforming situation was allowed when the development code was established and the situation has been continued over time. The Manager, under the Type I procedure, shall review documentation to determine establishment and continuance of lawful nonconforming situations. The following are lists of potentially accepted evidence of allowed and continued nonconforming situations:

- (A) Documentation showing allowed nonconforming situations:
  - (1) Building, land use, or development permits;
  - (2) Plan District codes and maps; or
  - (3) Other documentation accepted by the Manager.
- (B) Documentation showing a nonconforming situation has been continued over time:
  - (1) Utility Bills;

- (2) Income Tax Records;
- (3) Business licenses;
- (4) Listings in telephone or business directories;
- (5) Advertisements in dated publications;
- (6) Building, land use, or development permits; or
- (7) Other documentation accepted by the Manager.

**8.0251 Nonconforming Procedures**

- (A) Except as provided in Section 8.0240, a nonconforming development or a structure may be permitted to be repaired or reconstructed under Type II procedures following compliance with one of the following subsections:
  - (1) A nonconforming use that has been damaged due to causes beyond the owner's control if the estimated cost of repairing or reconstructing the development or structure is less than 80% of its current value. The estimated cost of repair shall be determined by the Manager based on best available information.
  - (2) The owner of the damaged development or structure must obtain a permit to repair or reconstruct within one calendar year of the damage. If the permit is not obtained the development or structure shall conform fully to all provisions of the Community Development Code for the district in which the site is located.
    - (a) The proposed repair or reconstruction will not result in a greater degree of noncompliance with the requirements of Community Development Code Standards that existed prior to the damage or destruction.
    - (b) If the application for a development permit sought under this section indicates that the owner is proposing enlargement or movement of the damaged development or structure, then Sections 8.0221 and 8.0222 shall also apply to nonconforming developments and nonconforming uses, respectively.
    - (c) The Manager may attach conditions of approval to a development permit issued for this purpose in order to ensure that the degree of noncompliance with requirements of the Gresham Community Development Code will not be increased. Conformance with Site Design Review requirements may also be required in connection with the enlargement or moving of a nonconforming development, as provided in Section 7.0000.
- (B) Except as provided in Section 8.0240, a nonconforming single-family dwelling which has been damaged beyond 80% of its current value may be reconstructed, under the Type III procedure, provided the cause of damage was beyond the control of the owner. In seeking a development permit for reconstruction of a damaged or destroyed nonconforming, single-family dwelling, the applicant shall present findings to satisfy the following criteria:
  - (1) Removal of the dwelling would result in a substantial hardship to its owners or occupants;
  - (2) Reconstruction of the dwelling would not result in serious conflicts between the dwelling and existing, conforming uses in the area; and
  - (3) Reconstruction of the dwelling would not seriously interfere with potential development of new, conforming uses on adjacent sites.

# Article IX

## Common Requirements

### Section 9.0100

#### Buffering and Screening Requirements

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##### General

9.0101 Responsibilities

##### Buffering and Screening Requirements

9.0110 Buffering and Screening Requirements

9.0111 Buffer Matrix

##### General

##### **9.0101 Responsibilities**

To reduce the impacts on adjacent conforming uses that are of a different type, buffering and screening will be required. The property owner is responsible for the establishment and maintenance of buffering vegetation and screening in accordance with the requirements of this section unless the abutting use has already provided buffering in compliance with the standards in this Article.

#### **Buffering and Screening Requirements**

##### **9.0110 Buffering and Screening Requirements**

- (A) A buffer consists of a horizontal distance adjacent to the property line and may include vertical elements such as plants, berms, fences or wall, which may only be occupied by screening, utilities and landscaping materials.
- (B) The buffer area requirements are in addition to the minimum yard setback requirements and landscaping requirements, except for developments as specified within the Downtown Plan District, the Civic Neighborhood Plan District, the Rockwood Town Center District, and the Station Centers District. In districts where a maximum setback distance is specified, the buffer width distances of Table 9.0111B shall be reduced so that they do not exceed the maximum setback distance. The buffer requirements are in addition to the street tree requirements.
- (C) For purposes of this section a vacant lot is a lot that is undeveloped or developed with a non-conforming use. Least to more intensive use is: LDR-5 and LDR-7 District dwellings, TR District dwellings, TLDR District dwellings, 2 to 4 attached dwellings or single family attached dwellings, 5 or more attached dwellings or single family attached dwellings, residential community service, primarily residential mixed use, office use, NC use, GC use, primarily commercial mixed use, non-residential community service use, outdoor commercial use, BP use, LI use, HI use and regional shopping center. The abutting use of a vacant lot shall be the primarily intended use of the district.



Where the adjacent property allows mixed uses, the buffer and screening shall be based on the conforming use that would conflict most with the proposed use.

- (1) When the proposed development occurs adjacent to a vacant lot one-half of the buffer and screening shall be provided at the time of the proposed development. The one-half provided by the proposed development shall at least include one-half of the required buffer width and one-half of required buffer shrubs and trees and groundcover. A required fence or wall shall be provided by the more intensive use at the time of its development. The balance of the buffer shall be provided at the time the vacant lot is developed.
  - (2) If the proposed development abuts a property in the LDR-5, LDR-7, TLDR or TR District, the entire buffer shall be provided by the proposed development.
  - (3) If the proposed development is an LDR-5, LDR-7, TLDR or TR District dwelling and abuts vacant land that is primarily intended for a more intensive use, the entire buffer shall be provided by the more intensive use at the time of its development.
  - (4) When a proposed development occurs adjacent to an existing use that has not provided a buffer and screening in accordance to this section, the proposed use shall provide the buffer and screening to the conforming use of the adjacent property.
- (D) In those cases where a proposed land use is separated from an abutting use by a street of at least arterial status, the buffering and screening requirements along this common boundary may be waived. When a required buffer is adjacent to a street, the required wall or fence structures shall be located so that the landscaped portion of the buffer is oriented toward the right-of-way. A fence shall not be required for a 'B' or 'C' buffer that abuts a street.
- (E) Required landscaping within the buffer, as provided in this Article shall consist of the following:
- (1) Shade trees: (deciduous trees capable of at least 25 feet in height and spread at maturity) not less than 10 feet high, and 1.5 inches caliper in size at the time of planting.
  - (2) Evergreen shrubs: (capable of at least 8 feet in height at maturity) not less than 2 feet high, and one gallon size at the time of planting.
  - (3) Ground cover: covering the balance of the property.
  - (4) Fences: shall be sight-obscuring.
  - (5) Walls: shall be a fence constructed of brick, stone or concrete.
  - (6) Berms: shall be landscaped with evergreen shrubs.
  - (7) Maintenance: buffers and screens shall have on-going maintenance.
- (F) When the following situations exist, the buffering and screening may be reduced or eliminated, or alternative means of providing the desired screening may be instituted.
- (1) Existing screening: If the abutting use has provided buffering in compliance with this section, buffering and screening need not be provided along the abutting boundary.
  - (2) Solar access: Landscaping in the buffer shall be subject to the solar access requirements.
  - (3) Alternative plan: In lieu of these standards, and at his/her option, the owner may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, walks, berms and other features designed to afford the degree of desired buffering. Such plans and specifications shall be submitted to the Manager for review.

An alternative plan may reduce buffer width on development sites provided buffering and screening is proposed to make up for the lack of horizontal distance and such is equivalent to in

vegetation and screening or a more reasonable substitute than the standard buffer normally required.

- (G) The Manager may require a Guarantee of Completion equal to 110% of the estimated cost of meeting the buffering and screening requirements to ensure the work is completed in accordance with the approved plans and specifications.

### **9.0111 Buffer Matrix**

#### **(A) Buffer Matrix (Table 9.0111A and B) Notes:**

- (1) Residential community services are the following noise sensitive units: public urban plazas, public neighborhood parks, public community parks, public multi-use paths, public walking/hiking trails, buildings used for religious worship, public or private elementary, high school and college schools, campground, public library, hospital, child care facilities for 13 or more, resorts, drug and alcohol treatment facility and elderly housing.
- (2) All other community services are considered non-residential community services for the purpose of this section. No buffer is required for bed and breakfast inns or child care facilities for up to 12 children operated by a person other than a resident of the home where the care will be given. In addition, a buffer is not required for Type I Community Services, except that a buffer shall be required for a minor utility or public facility, and for a portable classroom for an existing public or private school.
- (3) Manufactured dwelling park buffer and screening standards are found in Section 7.0130 of the Community Development Code.
- (4) For purposes of Section 9.0100 - Buffering and Screening Requirements, a single family dwelling shall be considered a detached dwelling, a manufactured home, or a single family attached dwelling of up to four attached units located in any district that allows single family dwelling units.
- (5) Alternative buffer and screening standards for public trails are found in Section 8.0114(E).








**Table 9.0111A - Buffer Matrix**

| PROPOSED USE                      | ABUTTING USE             |                                  |            |                             |                        |                        |                   |                      |                      |                                 |                                |                               |                                   |                          |                            |
|-----------------------------------|--------------------------|----------------------------------|------------|-----------------------------|------------------------|------------------------|-------------------|----------------------|----------------------|---------------------------------|--------------------------------|-------------------------------|-----------------------------------|--------------------------|----------------------------|
|                                   | Single Family Dwellings* | Three or More Attached Dwellings | Office Use | Neighborhood Commercial Use | General Commercial Use | Outdoor Commercial Use | Business Park Use | Light Industrial Use | Heavy Industrial Use | Primarily Residential Mixed Use | Primarily Commercial Mixed Use | Residential Community Service | Non-Residential Community Service | Regional Shopping Center | Springwater Industrial Use |
| Single Family Dwellings*          | -                        | A                                | A          | A                           | A                      | A                      | A                 | A                    | A                    | A                               | A                              | A                             | A                                 | A                        | A                          |
| Three or More Attached Dwellings  | C                        | -                                | B          | C                           | C                      | D                      | D                 | E                    | E                    | A                               | C                              | A                             | C                                 | F                        | -                          |
| Office Use                        | B                        | B                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | B                               | -                              | B                             | -                                 | -                        | -                          |
| Neighborhood Commercial Use       | C                        | C                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | C                               | -                              | C                             | -                                 | -                        | -                          |
| General Commercial Use            | C                        | C                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | C                               | -                              | C                             | -                                 | -                        | -                          |
| Outdoor Commercial Use            | D                        | D                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | D                               | -                              | D                             | -                                 | -                        | -                          |
| Business Park Use                 | D                        | D                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | D                               | -                              | D                             | -                                 | -                        | -                          |
| Light Industrial Use              | E                        | E                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | E                               | -                              | E                             | -                                 | -                        | -                          |
| Heavy Industrial Use              | E                        | E                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | E                               | -                              | E                             | -                                 | -                        | -                          |
| Primarily Residential Mixed Use   | C                        | A                                | B          | C                           | C                      | D                      | D                 | E                    | E                    | -                               | C                              | A                             | C                                 | F                        | -                          |
| Primarily Commercial Mixed Use    | C                        | C                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | C                               | -                              | C                             | -                                 | -                        | -                          |
| Residential Community Service     | C                        | A                                | B          | C                           | C                      | D                      | D                 | E                    | E                    | A                               | C                              | -                             | C                                 | F                        | -                          |
| Non-Residential Community Service | C                        | C                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | C                               | -                              | C                             | -                                 | -                        | -                          |
| Regional Shopping Center          | F                        | F                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | F                               | -                              | F                             | -                                 | -                        | -                          |
| Springwater Industrial Use        | G                        | G                                | -          | -                           | -                      | -                      | -                 | -                    | -                    | -                               | -                              | -                             | -                                 | -                        | -                          |

\* Detached or up to 2 attached single-family dwellings or duplex.

(Buffer codes correspond to Buffer Combination Chart)

**Table 9.0111B - Buffer Table**

|   |          | Per 100 Lineal Feet |             |        |               |
|---|----------|---------------------|-------------|--------|---------------|
|   |          | Width               | Shade Trees | Shrubs | Fence or Wall |
|    | <b>A</b> | 10'                 | 0           | 0      | None          |
|    | <b>B</b> | 10'                 | 0           | 40     | 6-8' Fence    |
|    | <b>C</b> | 20'                 | 5           | 50     | 6-8' Fence    |
|    | <b>D</b> | 30'                 | 5           | 50     | 6-8' Fence    |
|    | <b>E</b> | 40'                 | 9           | 90     | 6-8' Wall     |
|  | <b>F</b> | 50'                 | 9           | 90     | 8' Wall       |
|  | <b>G</b> | 40'                 | 9           | 90     | 8-10' Berm    |

## Section 9.0200 Clear Vision Area

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### General

9.0201 Street and Railroad Clear Vision Area

9.0202 Driveway Clear Vision Area

### General

#### **9.0201 Street and Railroad Clear Vision Area**

- (A) A clear-vision area shall be maintained on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between height of 3 feet and 10 feet above the center line grades of the intersecting streets or railroad shall be located within the clear vision area. No driveway or parking area shall be located in an intersection clear vision area.
- (B) The preceding provisions shall not apply to the following:
- (1) A public utility pole;
  - (2) A tree trimmed (to the trunk) to a line at least 8 feet above the level of the intersection;
  - (3) Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view;
  - (4) A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective;
  - (5) An official warning sign or signal and;
  - (6) A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
  - (7) A sign support structure(s) if combined total width is 12 inches or less, and the combined total depth is 12 inches or less.
- (C) A clear-vision area shall consist of a triangular area two sides of which are lot lines for a distance specified in this Section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish the clear-vision areas.

| <u>Functional Street Classification</u>       | <u>Measurement Along Each Lot Line</u> |
|---|--|
| (a) All Streets except Alleys                 | 30 feet                                |
| (b) Alley                                     | 10 feet                                |
| (c) At the intersection of a Street and Alley | 20 feet                                |

### 9.0202 Driveway Clear Vision Area

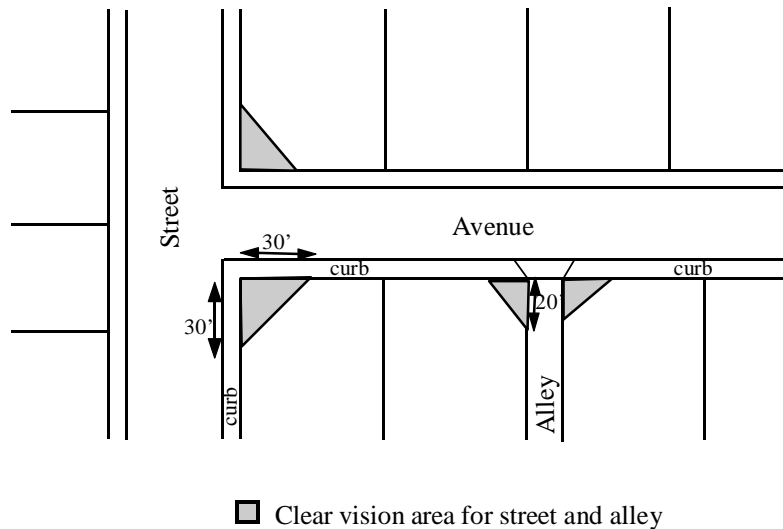
#### (A) Commercial, Industrial, Three or more Attached Dwellings and Community Service Developments

Service drives to public streets shall have a minimum clear-vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear vision area. No off-street parking area shall be located in a driveway clear vision area.

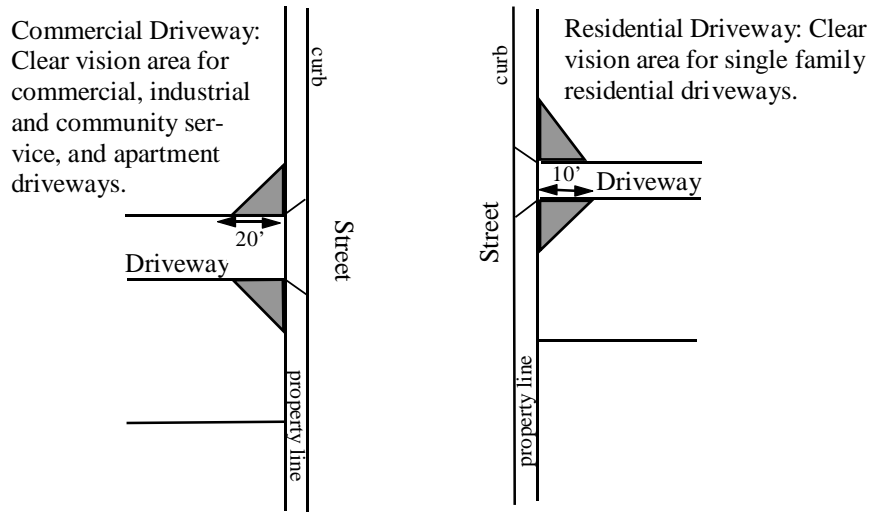
#### (B) One-and Two- Unit Residential Developments

Driveways to public streets shall have a minimum clear vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 10 feet from their intersection. No fence, wall, landscaping, sign or other structure that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear vision area. No off-street parking area shall be located in a driveway clear vision area.

Figure 9.0202 (C)



**Figure 9.0202(D)**



- Clear vision area for commercial, industrial and community service driveways
- Clear vision area for residential driveways

## **Section 9.0300 Easements**

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### General

- 9.0301 General Utility Easements
- 9.0302 Pedestrian Easements
- 9.0303 Conservation Easement
- 9.0304 Open Space Easements
- 9.0305 Utility Easements Owned by the Public
- 9.0306 Public Trail Easements

### General

#### **9.0301 General Utility Easements**

A 6-foot wide general utility easement shall be provided along all lot lines abutting public rights-of-way and along the rear lot line when abutting an alley in the LDR-5, LDR-7, TLDR and TR Districts. Design, dimensioning, and use of general utility easements shall be in accordance with Public Works Standards. All easement documents and plat language relating to general utility easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.

#### **9.0302 Pedestrian Easements**

In order to facilitate pedestrian access from streets or lots to schools, parks or other nearby streets, the approval authority may require perpetual unobstructed pedestrian easements.

Improvements within pedestrian easements shall be as described in Section A5.508.

#### **9.0303 Conservation Easement**

The Manager may require a perpetual unobstructed easement so that the natural vegetative cover is not disturbed where such disturbance could cause damage to the public right-of-way or adjacent property.

#### **9.0304 Open Space Easements**

The approval authority may require a perpetual open space easement over areas of the Flood Plain or Hillside Physical Constraint Overlay Districts, areas of unique natural condition, or Greenway System retained in private ownership.

#### **9.0305 Utility Easements Owned by the Public**

When topography or other conditions make impractical the location of drainage facilities, sanitary sewers or water lines within the street right-of-way, an unobstructed easement shall be provided across the property with satisfactory access to the street. These easements shall comply with Section A5.005.

#### **9.0306 Public Trail Easements**

If a development permit involves a parcel which is designated as the location of a portion of a public trail system, as shown in the 1996 Gresham Trails Master Plan, the City will encourage the owner to grant to the City an easement for that specific use, consistent with the requirements of Section A5.509.



## Section 9.0400 Fencing

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### General

9.0401 General Provisions

### Specific Fencing Requirements

9.0410 Fencing of Lots

9.0411 Fencing of Swimming Pools or Other Man-Made Bodies of Water

9.0412 Fencing of Hazardous Areas

### General

#### **9.0401 General Provisions**

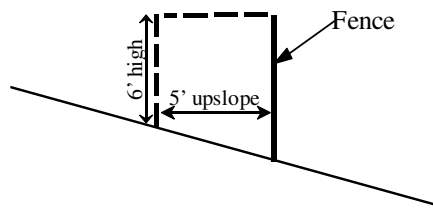
Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence which is, or has become dangerous to the public safety, health, or welfare shall be considered a violation of this Ordinance. Link fencing shall be constructed in such a manner that no barbed ends shall be at the top. Electric fencing is prohibited. Barbed or razor wire fencing shall only be permitted when it is demonstrated to the satisfaction of the Manager, that

- (A) The barbed wire fencing is necessary for enclosing livestock in any land use district.
- (B) The barbed or razor wire fencing is proposed to provide added security for a non-residential use. When such wire fencing is proposed, it shall only be used above either a standard fence or wall which has a minimum height of 5 feet.

### Specific Fencing Requirements

#### **9.0410 Fencing of Lots**

- (A) Fencing shall not exceed 6 feet in height in a Residential Development District when measured from grade unless:
  - (1) It is provided for in the Buffering and Screening requirements of Section 9.0100; or,
  - (2) There is a grade difference between two sites which would make a 6 foot high fence inadequate to provide for privacy. Such fence shall be no higher than 6 feet above the highest grade within 5 feet of the common boundary line.
  - (3) To provide added security for a non-residential use.



- (B) All fencing shall not conflict with the requirements of the Clear Vision Area (Refer to Section 9.0200).
- (C) Special front and rear yard fence height provisions apply to lots created under the standards in effect on or after December 19, 1996 in the LDR-5, LDR-7, TLDR and TR Districts (see Section 4.0132(D)(4) and (5)).

#### **9.0411 Fencing of Swimming Pools or Other Man-Made Bodies of Water**

- (A) Any man-made swimming facility which has a depth of 18 inches or more shall be completely enclosed by fencing (a dwelling or accessory building may be used as part of the enclosure). The fencing shall be a minimum of 5 feet in height incapable of being crawled under, with no gaps therein larger than 2 inches in any dimension except for door and gates. All gates or door openings shall be equipped with an automatic closing and automatic latching device combined with a lock which must be locked when the facility is not in use. Doors of any dwelling forming part of the enclosure need not be provided with the automatic locking and latching devices. A pool or other recreational man-made body of water shall not be filled until the fencing has been constructed and construction of the pool or other man-made body of water requires a building permit.
- (B) Hot Tub Exemption. Hot tubs or pools with water surface areas not exceeding 36 square feet are exempted from the fencing provisions as long as the following provisions are met:
  - (1) A locking cover constructed of suitable materials and of sufficient strength to prevent access, is maintained over the tub or pool when not in use, and;
  - (2) There are no gaps larger than 2 inches between the cover and top of tub or pool.

#### **9.0412 Fencing of Hazardous Areas**

An applicant for a development permit shall be required to furnish and install fencing wherever the approval authority determines that a hazardous condition may exist. The fencing shall be installed according to standards established by the Manager. No occupancy permit shall be issued until said fencing has been installed.

## **Section 9.0500**

### **Grading And Drainage and Stormwater Quality Control Requirements**

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#### General

- 9.0501 Purpose
- 9.0502 Grading and Drainage Plans and Specifications
- 9.0503 Required Information for Grading and Drainage Plans and Specifications
- 9.0504 Soil Engineering Report
- 9.0505 Site Hydrology Report
- 9.0506 Guarantees for Grading and Drainage

#### Design Requirements

- 9.0510 Design Guidelines for Grading and Drainage Improvements
- 9.0511 Cuts
- 9.0512 Fills
- 9.0513 Required Drainage Facilities
- 9.0514 Erosion Prevention and Sediment Control Measures During Construction
- 9.0515 Establishing Protective Vegetative Cover Upon Completion of Final Grading
- 9.0516 Certification of Compliance upon Completion of the Project

#### Stormwater Quality Control Requirements

- 9.0520 Applicability
- 9.0521 Data Requirements
- 9.0522 Sites Where it is Infeasible to Install On-Site Stormwater Quality Facilities
- 9.0523 Maintenance and Inspection of Private Stormwater Quality Facilities

### **General Submittal Requirements**

#### **9.0501 Purpose**

This section of the Community Development Code specifies requirements for grading and drainage, erosion control and stormwater quality control.

#### **9.0502 Grading and Drainage Plans and Specifications**

- (A) Unless otherwise specified in this document, Appendix Chapter 33 of the current edition of the Uniform Building Code shall apply for all grading and drainage construction on private property.
  
- (B) When the pre-application conference indicates the applicant's proposal involves erosion and/or runoff problems, or if the subject property is hilly or partially within the Hillside Physical Constraint Overlay District, the Manager may require supporting data to include a soils engineering report and hydrology report. An engineering geology report shall be required if the proposed development is within the Hillside Physical Constraint Overlay District. An approved grading and drainage plan shall be required prior to start of construction, or final plat approval, for all land divisions.

### **9.0503 Required Information for Grading and Drainage Plans and Specifications**

When required under the Community Development Code for the issuance of a development permit, an application for a grading and drainage plan approval shall be accompanied by four sets of grading and drainage plans, specifications and supporting data.

- (A) The general location of the work to be shown on a vicinity map.
- (B) The name and address of the owner/developer and the professional civil engineer who prepared the plans. The tax lot description for the subject site shall also be included.
- (C) Property limits and contours (two foot intervals for slopes of less than 15% and 10-foot intervals for slopes exceeding 15%) of the existing ground and details of terrain and area drainage.  
All existing contour lines shall extend a minimum of 100 feet beyond the property boundaries.
- (D) The plan shall also indicate, when applicable, all existing wetlands, bogs, and marshes; existing natural streams, intermittent and permanent; areas of erosion potential; areas of stability hazard; excessively steep slopes (15% to 35% and 35% and greater); flood prone areas and designated flood plains, showing elevations of the 100 year flood plain and poorly drained areas; and areas previously used as a land fill.
- (E) Street improvements and existing and proposed public storm sewer facilities. Proposed private drainage facilities and their easements shall also be shown.
- (F) Finished contours to be achieved by the grading along with the proposed drainage facilities and related construction. Finished contours will indicate necessary grading for street and sidewalk improvements. Plans shall include details of all subsurface and surface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work.
- (G) Location of any existing building or structures on the property and the location of any buildings or structures on land adjacent to the property which are within 15 feet of any area affected by the proposed grading operations.
- (H) Specifications shall contain information covering construction and material requirements; describing, but not limited to, soil compaction requirements, measures to mitigate soil erosion along with the background computations made for the sizing of drainage facilities. The specifications shall describe the maintenance responsibilities for any private storm sewer systems. The specifications shall describe any proposed phasing of the project, indicating estimated start and completion dates for each phase.

### **9.0504 Soil Engineering Report**

Any soil engineering report which may be required under Section 9.0502, Grading and Drainage Plans and Specifications, shall include:

- (A) data regarding the nature, distribution, strength and erodibility of existing soils;
- (B) conclusions and recommendations for grading procedures and design criteria for corrective measures where necessary;
- (C) opinions and recommendations covering adequacy of site to be developed by the proposed grading; and

- (D) for sites where infiltration will be utilized, the results of soil testing methods as specified in Section 2.0046 of the Public Works Standards.

The soil engineering report will include suggestions concerning erosion control of the project site during construction as well as upon completion.

#### **9.0505 Site Hydrology Report**

Any site hydrology report which may be required under Section 9.0502 shall include the following:

- (A) A map and calculations showing the drainage area and estimated run-off of the area being served by any drainage facility within the proposed grading and drainage plan.
- (B) Indication of the undeveloped peak discharge rate of surface water currently entering and leaving the subject property due to the design storm(s) as set forth in the Public Works Design Standards and/or as required by the conditions of approval for the project.
- (C) Indication of developed peak discharge rate of run-off which will be generated from the subject property due to the design storm(s) as set forth in the Public Works Design Standards and/or as required by the conditions of approval for the project;
- (D) Determination of the developed peak discharge of water that will be generated by the design storm at various sub-basins on the subject property; and
- (E) A discussion of the drainage management facilities and/or techniques which may be necessary to rectify drainage problems.
- (F) Data reported pursuant to (A) through (D) of this section shall be provided in an electronic format acceptable to the Manager unless the Manager approves another form of submittal.

#### **9.0506 Guarantees for Grading and Drainage**

The Manager shall require a Guarantee of Completion equal to 110% of the estimated cost of:

- (A) Meeting the grading and drainage requirements to ensure that the work is completed in accordance with approved plans and specifications and to correct or eliminate any hazardous conditions.
- (B) Meeting the erosion prevention and sediment control measures to ensure that such measures are installed and maintained, including replacement and repair as needed, as required by the EPSC Manual and to correct or eliminate any conditions created because of the erosion or sediment from the site.
- (C) The construction cost of stormwater quality facilities required by Section 9.0520 et. seq.
- (D) The Manager may require a warranty guarantee in an amount deemed necessary to ensure that any failure of grading and drainage, erosion control or stormwater quality facilities are repaired. The warranty guarantee shall be in effect from the date of acceptance of privately financed public improvements for a period of two years.

## Design Requirements

### **9.0510 Design Guidelines for Grading and Drainage Improvements**

Plans and specifications for grading and drainage improvements will include provisions for the following improvements and/or grading operations as deemed appropriate by the Manager for the subject site.

#### **9.0511 Cuts**

Cuts shall not exceed in steepness a 2:1 (horizontal to vertical) ratio unless approved by the Manager. The Manager may approve cut slopes up to a 1-1/2:1 maximum ratio if the increase in slope will result in reducing the disturbance of the natural terrain. All cuts exceeding a 2:1 ratio shall be certified by a professional engineer to have a soil type having an appropriate nature, distribution and strength to maintain the proposed slope.

#### **9.0512 Fills**

Fills shall not exceed in steepness a 2:1 (horizontal to vertical) ratio. All fills, upon completion of the project shall be certified by a professional engineer to be adequately compacted for the intended use. If the intended use is open space, appropriate easements will be recorded with the title records of Multnomah County, with a duplicate copy being kept on file with the City of Gresham.

- (A) The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil and other unsuitable materials; scarify to provide a bond with new fill and where slopes are steeper than 15% and the high is greater than 5 feet, by benching into a competent material as determined by the soils engineering report and approved by the Manager.
- (B) Structural Fill Material - Detrimental amounts of organic material shall not be permitted in structural fills. Burial of tree stumps will not be allowed on any site other than an approved solid waste disposal site. No rock or similar material greater than 12 inches in diameter shall be placed in a structural fill. The Manager may permit placement of larger rock if the soils engineer report devises a method to continuously inspect placement and certify stability of rock disposal areas having no overlapping with physical improvements, and is a minimum of 5 feet below grade measured vertically.
- (C) Structural Fill Compaction - Structural fill will be compacted to a minimum of 90% of maximum density as determined by Uniform Building Code Standard No. 331.4 (Compaction). The soils engineer shall certify all structural fills as meeting minimum bearing capacity for the intended use.
- (D) Non-Structural Fills - Stripping materials and landscape berms, will be compacted by reasonable mechanical means, if greater than 3 feet in depth.

#### **9.0513 Required Drainage Facilities**

- (A) All roof and foundations drains shall be discharged to either curb face outlets (if minor quantity), to a public or approved private storm drain, or to a natural acceptable drainageway if adjacent to the lot.
- (B) All private stormlines, roof and foundation drains which discharge to a creek system shall utilize infiltration systems to the maximum extent possible.
- (C) Private storm drainlines will be required to convey any concentration of run-off across adjoining properties so as to reach an acceptable drainage facility. Private drainage easements shall be

established on the deeds or on the recorded plat face of the parcels involved with any required private drainage easements.

- (D) Subsurface drainage facilities may be required in areas of fill if it is so determined by the geologist or soils engineer that there will exist a groundwater situation that could cause stabilization problems. Any subsurface natural spring or field tile shall be piped to an approved drainage facility.
- (E) Any development that is down grade from an undeveloped parcel of ground shall intercept and divert the storm water run-off to an approved storm drainage facility. The diversion ditch may not exceed a 5% slope, unless improved with an acceptable erosion control method as determined by the Manager. In addition to the diversion ditch an interceptor pipe may be required. If the cutoff ditch and interceptor pipe is located on public open space, an easement for maintenance purposes will be established for those properties' benefited by the facility.
- (F) All drainage provisions shall be subject to the approval of the Manager and shall be of such design as to carry storm and surface waters to the nearest practical street, storm drain or natural water course, approved by the Manager as a safe place to deposit and receive such waters. Adequate provisions shall be made to prevent any storm or surface waters from damaging the face of an excavation, the sloping face of a fill, any natural slope, or any natural or manmade drainageway.
- (G) Maintenance, repair, replacement and liability from damages due to failure of private drainage systems shall be the responsibility of the customer. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to City approval. Private drainage facilities are subject to periodic inspection by the City to ensure proper maintenance and performance. In addition, the customer shall enter into a maintenance agreement with the City to ensure continued maintenance.

#### **9.0514 Erosion Prevention and Sediment Control Measures During Construction**

Unless otherwise approved, the following standards are adopted as minimum requirements for the purposes of minimizing or preventing erosion. The final program for soil stabilization may vary as site conditions and development warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant for a development permit is ultimately responsible for containing all soil on the project site and must recognize the potential for changing or unexpected site and weather conditions. The applicant for a development permit or, in the case of a land division, before the Notice to Proceed is issued, shall submit an erosion prevention and sediment control plan as part of their application utilizing appropriate best management practices (BMPs), per the Erosion Prevention and Sediment Control Manual (EPSC Manual). If necessary to meet the intent of this section, the applicant shall update or modify the erosion prevention and sediment control measures, per the EPSC Manual, as such conditions render existing measures ineffective.

- (A) The plans and specifications will demonstrate the minimization of stripping vegetation on the project site.
- (B) If top soil is to remain stockpiled during wet weather, seeding, mulching or other stabilization measures are required.
- (C) All areas which will, by necessity, be left bare after October 1 shall be seeded and mulched to a cover crop (e.g., cereal rye, annual rye grass, perennial rye grass). Mulching and mulching with landscaping may be a viable alternative to seeding. Seed and mulch shall be applied with a tackifier in areas in excess of 10% slope. If, by the date set forth in the EPSC Manual, seeding has not established itself to the point of being an effective erosion control measure, additional measures

may be required. Regular inspection and maintenance, as necessary, is required to maintain the effectiveness of the erosion prevention and sediment control measures.

- (D) Means shall be devised to prevent sediment laden water from entering the public storm sewer system or natural watercourses. Use of approved filtration measures to prevent sediment transport from the site will be required.
- (E) In areas of concentrated flow, temporary diversion berms, chutes or downpipes and down drains sized for a two-year storm may be required for projects left incomplete during the winter months. Temporary check dams may be required for channels carrying sufficient amounts of water to cause channel scouring and erosion.
- (F) Temporary check dams may be required for channels carrying sufficient amounts of water to cause channel scouring and erosion.
- (G) All erosion prevention and sediment control measures shall be maintained, including replacement and repair as needed, as required by the EPSC Manual.

#### **9.0515 Establishing Protective Vegetative Cover Upon Completion of Final Grading**

- (A) Vegetation is to be established as soon as practicable after completion of grading to minimize erosion. Prior to final project acceptance, the site shall be permanently stabilized with seed and mulch, or permanent landscaping. Seed and mulch shall be applied with a tackifier in areas in excess of 10% slope. In cases of a land division, temporary groundcover will be accepted on each lot where home construction will begin within 30 days of project completion.
- (B) All swales and channels shall be permanently stabilized prior to use as specified in the EPSC Manual.
- (C) Erosion control measures shall be continued after construction until the vegetative ground cover for the site is established and functioning such that erosion has ceased.
- (D) The developer will be responsible for all erosion prevention and sediment control for individual lots until ownership has changed.
- (E) In cases with developments with 1200-C permits, the developer is responsible for erosion prevention and sediment control until the 1200-C permit is terminated by the state.
- (F) Temporary sediment control measures shall be removed by the developer when permanent stabilization or landscaping has been installed and is functioning.

#### **9.0516 Certification of Compliance upon Completion of the Project**

A registered professional civil engineer in the State of Oregon shall be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the project. The grading contractor shall submit, in a form prescribed by the Manager, a statement of compliance to said as-built plans. The project professional engineer shall certify all areas of compaction as meeting the minimum standards for the intended use.



## **Stormwater Quality Control Requirements**

### **9.0520 Applicability**

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

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

### **9.0521 Data Requirements**

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

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

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

### **9.0523 Maintenance and Inspection of Private Stormwater Quality Facilities**

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

# Section 9.0600

## Height Transition

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### General

9.0601 Purpose

9.0602 Applicability

### Standards

9.0610 Height Transition Standards

9.0611 Elements Allowed Within the Height Transition Area

## General

### 9.0601 Purpose

To reduce the visual and solar impact of the height of new buildings on residential buildings located on adjoining lots.

### 9.0602 Applicability

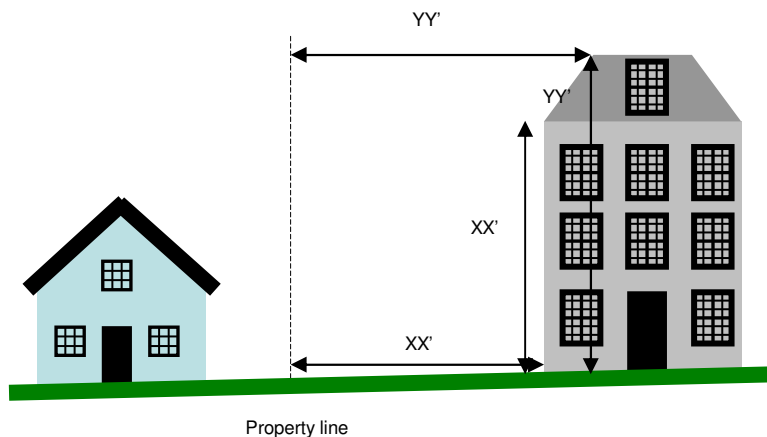
The following standards apply to all buildings to be built on lots in the Corridor Districts, MDR-12, and MDR-24 Districts, Office/Residential, and Commercial Districts; and Business Park, Light and Heavy Industrial Districts that abuts a LDR-5, LDR-7, TLDR or TR District (except as modified in 9.0610 below).

## Standards

### 9.0610 Height Transition Standards

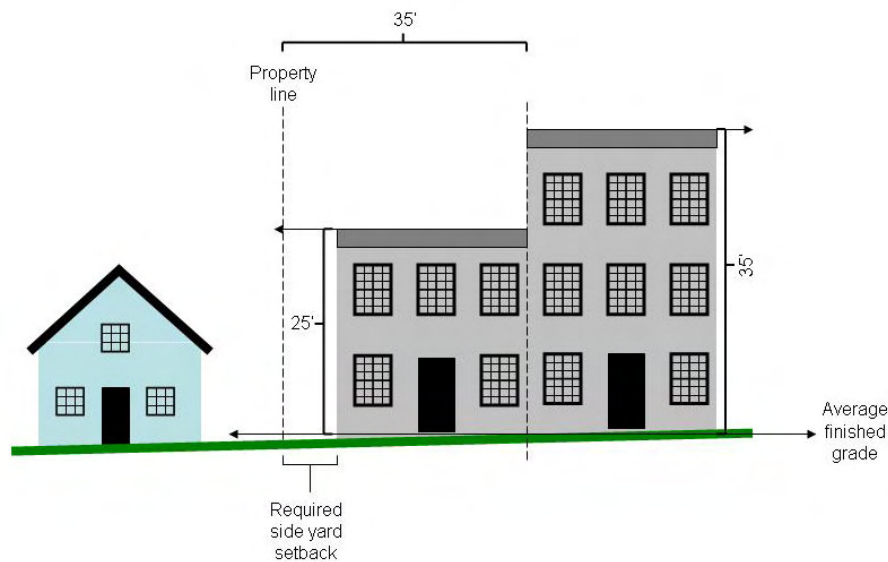
(A) For every one foot of height of a portion of a proposed building one foot of horizontal distance between that portion of the building to the abutting LDR-5, LDR-7, TLDR or TR property line is required (see **Figure 9.0610A** below).

**Figure 9.0610A**



- (B) Commercial and Industrial Districts: The standard under 9.0610(A) applies to all buildings to be built on lots in the NC, GC, BP, LI and HI Districts when those lots abut any district allowing residential development.
- (C) Height transition standards will apply to developments of community services, single family attached housing, and duplexes within the LDR-5, LDR-7, TLDR Districts and for these uses within other districts that are adjacent to single family detached housing located in LDR-5, LDR-7 and TLDR.
- (D) The following standards apply in the TR District (see Figure 9.0610B):
- (1) Community Services and Duplexes: Height transition standards as described in 9.0610(A) and 9.0610(C) will apply to developments of community services and duplexes in the TR District.
  - (2) Single-family attached housing:
    - (a) Side yard: For single-family attached housing adjacent to an LDR-5 or LDR-7 District, building height is limited to 25 feet within 35 feet of horizontal distance from a shared property line with LDR-5 or LDR-7 if the shared property line is on a side yard.
    - (b) Not side yard: the height transition standards described in 9.0610(A) and 9.0610(C) apply if the shared property line is not a side yard.

**Figure 9.0610B**



**9.0611 Elements Allowed Within the Height Transition Area**

The required buffering and screening as well as utilities and open space areas (except that children’s play areas may not be located within setbacks and buffer areas) may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area. See Section 9.0100 for buffering and screening requirements.

## **Section 9.0700**

### **Neighborhood Circulation and Future Street Plans**

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#### General

9.0701 Purpose

9.0702 Applicability

9.0703 Submittal Requirements

#### Review and Approvals

9.0710 Review Criteria

9.0711 Filing a Future Street Plan

9.0712 Compliance with or Revision to Future Street Plans

#### Future Street Plans for Plan Districts

9.0720 Downtown Future Street Plan

9.0721 Civic Neighborhood Future Street Plan

#### Central Rockwood Future Street Plan

9.0730 Purpose

9.0731 Future Street Designation on a Development Site

9.0732 Requirements of Traffic Analysis

9.0733 Dedication of a Future Street

9.0734 Reserving Site Area for Future Street

#### City Initiated Future Street Plans

9.0740 City Initiated Future Street Plans

### **General**

#### **9.0701 Purpose**

Neighborhood Circulation and Future Street Plans (referred to as Circulation Plans) provide a guide for transportation circulation to the developing site and in the immediate area. Many areas of the city do not have a plan for how local streets will be extended in the future to provide access to undeveloped properties and provide for traffic circulation. In planning the future extension of local streets, a conceptual alignment is designated, showing how streets will connect in the future and how access could be provided to other properties in the immediate area.

- (A) A neighborhood circulation plan is a plan that depicts the existing and proposed vehicular/bicycle/pedestrian transportation systems, including streets, bike lanes, sidewalks, bicycle/pedestrian paths, and destination points.
- (B) A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

#### **9.0702 Applicability**

- (A) The requirements of this section shall apply as follows:

- (1) To all Type II and Type III tentative partition and subdivision plans.
  - (2) To all Type II site design reviews (except for dwellings containing 3 units or less).
  - (3) To Type II and III community service uses, except for portable classrooms, and utility, sewage, drainageway, or water system structures.
- (B) An applicant is required to submit a future street plan as part of an application for development except when the applicant demonstrates to the satisfaction of the Manager one of the following:
- (1) An existing street or a new proposed street need not continue beyond the land to be divided in order to complete or extend an appropriate street system or to provide access to adjacent parcels within 600 feet of the proposed development.
  - (2) The proposed street layout is consistent with a street pattern adopted as part of the Community Development Code, or with an existing approved Future Street Plan.
  - (3) The proposed street layout is consistent with an adopted Pleasant Valley master plan.

### **9.0703 Submittal Requirements**

- (A) All developments, as provided in Section 9.0702(A), shall submit a neighborhood circulation plan and, except as provided in Section 9.0702(B), shall also submit a future street plan. When both the neighborhood circulation plan and the future street plan are required, they shall be combined on the same plan.
- (B) The Circulation plan shall include sufficient dimensions and other data to verify conformance to the Neighborhood Circulation and Future Street Plan criteria. The Circulation plan shall incorporate the following details, both on-site and off-site:
- (1) The Circulation Plan shall be no larger than 11 inches x 17 inches and may include several sheets.
  - (2) The topography for slopes of 15% or greater with contour intervals not more than 10 feet.
  - (3) The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bikeways, and pedestrian ways. The identification of a street by name shall be limited to existing streets and extensions thereof. Proposed new streets and alleys shall be identified as “proposed extension to existing [insert existing name],” “proposed new Street A,” “proposed new Street B,” “proposed public alley,” etc. Any alias for an existing street name should be shown in parentheses, with the preferred City name dominant.
  - (4) Property lines and dimensions.
  - (5) Existing and proposed streets, transit routes and facilities, and other pedestrian/bicycle destinations, within 600 feet of the development.
  - (6) Site access points for autos, pedestrians, bicycles, transit.
  - (7) When a future street plan is required, the conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.
- (C) If the City determines that access to tracts within 600 feet of the proposed development requires access by a street of community street or greater status, then the following additional information shall be submitted:
- (1) Functional classification or proposed street system

- (2) Potential connection points to existing street system
- (3) General alignment where topography appears to be most appropriate
- (4) Anticipated service levels
- (5) Potential funding mechanisms appropriate to implement the required improvements.

## **Review and Approvals**

### **9.0710 Review Criteria**

In reviewing a proposed circulation plan, the approving authority shall find compliance with the relevant portions of the Community Development Code and the following:

- (A) A future street plan shall:
  - (1) Adequately serve traffic with an origin in, and destination to, the area of the plan;
  - (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs within a district, sub-area, or neighborhood;
  - (3) Provide multi-directional access and circulation to the street system and shall avoid maze-like and discontinuous street patterns; and,
  - (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets.
- (B) All streets, alleys, and pedestrian-bicycle accessways must connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/Bicycle accessways may connect on one end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in Section A5.402(E).
- (C) A neighborhood circulation system shall be designed to allow planned streets outside the development to extend to the existing street system in conformance with Section A5.400.
- (D) All future street extensions shall be planned to provide adjoining lands subject to this code provision to have access that will allow its development in accordance with this code.
- (E) Pedestrian accessways shall be provided as required under Section A5.508.

### **9.0711 Filing a Future Street Plan**

Upon approval by the review authority, a Future Street Plan shall be made a matter of record by being recorded by the Manager on a future street index to be maintained by the Community Development Department.

### **9.0712 Compliance with or Revision to Future Street Plans**

New developments shall be consistent with adopted Future Street Plans and/or Pleasant Valley Master Plan. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. In the case where the development is within an adopted Pleasant Valley Master Plan, a revision shall only occur through an amendment to the Master Plan. A revision to an approved future street plan may be approved by the Manager under a Type II procedure when it is applied for in conjunction with a land division or site plan review application. A revision to an approved future street

plan may be reviewed by the Hearings Officer under a Type III procedure when it is applied for independent of any land development application. An approved future street plan may be revised by the council in conjunction with a revision to the Community Development Code, under the Type IV procedure. All revisions to future street plans must comply with Section 9.0710.

## **Future Street Plans for Plan Districts**

### **9.0720 Downtown Future Street Plan**

- (A) The Downtown Plan District includes a future street plan, as shown on the Gresham Downtown Plan, contained in Volume 1 - Findings, of the Community Development Plan. This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. The future street plan as shown on the Gresham Downtown Plan shall be considered a conceptual plan, in that it does not establish precise alignments or construction details for any street.
- (B) When development is proposed for a site, and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the conceptual alignment of the future street as it would affect the site.
- (C) When a traffic analysis is required in connection with a development permit application and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, the traffic analysis shall include, in addition to addressing all elements specified in Section A5.411, an analysis of the extent to which the future street may be needed in order to maintain acceptable levels of service on existing streets following the proposed development, and to satisfy provisions of Section A5.401.
- (D) If the Manager finds that dedication of all or a portion of a future street, as shown on the Gresham Downtown Plan, is needed in order to maintain acceptable levels of service on existing streets following the proposed development, or to satisfy provisions of Section A5.401, the Manager may require dedication of all or a portion of the future street as a condition of development permit approval. Any such required dedication shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development.
- (E) When development is proposed for a site, and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, but dedication of right-of-way for the future street is not required under Subsection (D) above, the Manager may require modification of the proposed site development plan as needed to reserve portions of the site for future street acquisition, as a condition of approval of a development permit. Such modification may include limiting any future street right-of-way portions of the site to non-building purposes, such as landscaping, or surface parking.

### **9.0721 Civic Neighborhood Future Street Plan**

- (1) The Civic Neighborhood Plan District includes a future street plan, as shown on the Gresham Civic Neighborhood Plan, contained in Volume 1 - Findings, of the Community Development Plan. This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. Street rights-of-way shall be dedicated, and streets shall be constructed, in locations and alignments as shown on the Civic Neighborhood Plan map, except where adjustments are authorized under Section 4.1244.

- (2) When development is proposed for a site, and a future street, as shown on the Gresham Civic Neighborhood Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the alignment of the future street as it would affect the site. Street rights-of-way within and abutting the site shall be dedicated, and streets shall be constructed, as necessary to serve the proposed development and to conform with requirements of Section A5.400.

## **Central Rockwood Future Street Plan**

### **9.0730 Purpose**

The Central Rockwood Plan includes a future street plan, as shown in Volume 1 - Findings of the Community Development Plan (Appendix 39). This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. The future street plan as shown in the Central Rockwood Plan shall be considered a conceptual plan, in that it does not establish precise alignments or construction details for any street.

### **9.0731 Future Street Designation on a Development Site**

When development is proposed for a site, and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the conceptual alignment of the future street as it would affect the site.

### **9.0732 Requirements of Traffic Analysis**

When a traffic analysis is required in connection with a development permit application and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, the traffic analysis shall include, in addition to addressing all elements specified in Section A5.411, an analysis of the extent to which the future street may be needed in order to maintain acceptable levels of service on existing streets following the proposed development, and to satisfy provisions of Sec. A5.401.

### **9.0733 Dedication of a Future Street**

If the manager finds that dedication of all or a portion of a future street, as shown in the Central Rockwood Plan, is needed in order to maintain acceptable levels of service on existing streets following the proposed development, or to satisfy provisions of Sec.A5.401, the manager may require dedication of all or a portion of the future street as a condition of development permit approval. Any such required dedication shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development.

### **9.0734 Reserving Site Area for Future Street**

When development is proposed for a site, and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, but dedication of right-of-way for the future street is not required under Section 9.0733, the manager may require modification of the proposed site development plan as needed to reserve portions of the site for future street acquisition, as a condition of approval of a development permit. Such modification may include limiting any future street right-of-way portions of the site to non-building purposes, such as landscaping, or surface parking.



## **City Initiated Future Street Plans**

### **9.0740 City Initiated Future Street Plans**

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

## Section 9.0800 Parking

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### General

- 9.0801 Purpose
- 9.0802 General Provisions
- 9.0803 Exceptions

### Parking Lot Plan Submittal Requirements

- 9.0810 Submittal Requirements

### General Design Standards for Surface Parking Lots

- 9.0820 General Location for Surface Parking Lots
- 9.0821 Parking Lot Location on Transit Streets and in the Downtown and Civic Neighborhood Plan Districts
- 9.0822 Surface Parking Lot Design
- 9.0823 Landscaping of Parking Lots
- 9.0824 Pedestrian Circulation/Walkways
- 9.0825 Space and Aisle Standards for Surface Parking Lots
- 9.0826 Accessible Parking

### Bicycle Parking Standards

- 9.0830 Bicycle Parking Design Standards

### Off-Street Loading

- 9.0840 Off-Street Loading Requirements

### Minimum/Maximum Required Off-Street Parking

- 9.0850 Minimum and Maximum Required Off-Street Parking - General
- 9.0851 Standards for Minimum/Maximum Auto and Bicycle Parking
- 9.0852 Plan District Minimums and Maximums
- 9.0853 Exceptions to Minimum Parking Space Standards
- 9.0854 Exceptions to Maximum Parking Space Standards
- 9.0855 Joint Vehicle Parking Lot
- 9.0856 Parking in Mixed Use Projects
- 9.0857 Required Carpool and Vanpool Parking
- 9.0858 Fleet Motor Vehicle Parking

### Other Public Parking

- 9.0860 Interim Parking
- 9.0861 Parking Structures
- 9.0862 Commercial Parking Facilities
- 9.0863 MAX Park-and-Ride
- 9.0864 On-Street Parking
- 9.0865 Minor Access Street Parking Spaces

### Off-Street Parking for Private Residences

- 9.0870 Off-street Parking and Driveways for Detached Dwellings, Manufactured Homes, Single Family Attached Dwellings and Two-unit Attached Dwellings
- 9.0871 Recreational Vehicle Parking in Low Density Residential Districts

## General

### **9.0801 Purpose**

The purpose of the parking lot standards is to provide for safe vehicular parking and circulation supportive of a variety of uses in an increasingly pedestrian and transit oriented community.

### **9.0802 General Provisions**

(A) Unless otherwise specified, off-street parking and loading shall be provided for all development requiring a development permit. These areas shall be satisfactorily maintained by the owner of the property.

(B) No Certificate of Occupancy shall be granted to any structure until the parking areas are completed and ready for use.

(C) Required vehicle parking spaces shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting business.

(D) Where off street parking is required, no building or structure shall be modified or enlarged without inclusion of additional motor vehicle and bicycle parking spaces in conformance with Sections 9.0850 and 9.0851. If the floor area of the enlargement exceeds 15% of the existing floor area, the site must comply with the applicable standards for all off-street loading spaces.

### **9.0803 Exceptions**

By definition, parking lot design standards do not apply to detached dwellings, attached single-family dwellings, or two-unit attached dwellings on a unit by unit basis (see Sections 9.0870 - 9.0872 for applicable standards). However, shared separate parking areas (such as a visitor or overflow parking lot) intended to serve a residential complex, a manufactured dwelling park, or a group of dwelling units (regardless of the type of units), must comply with the applicable standards of Sections 9.0822 to 9.0825.

## Parking Lot Plan Submittal Requirements

### **9.0810 Submittal Requirements**

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

- (A) Delineation of individual parking spaces
- (B) Circulation area necessary to serve spaces
- (C) Access to streets, alleys and properties to be served
- (D) Curb cuts
- (E) Type of landscaping, fencing or other screening materials
- (F) Abutting land uses and driveways
- (G) Grading, drainage, surfacing and sub-grading details
- (H) Location of lighting fixtures
- (I) Delineation of all structures and obstacles to circulation on the site
- (J) Specifications of signs and bumper guards

- (K) Pedestrian accessible walks and bicycle parking area.
- (L) Location and dimensions of any required loading berth

## **General Design Standards for Surface Parking Lots**

### **9.0820 General Location for Surface Parking Lots**

All vehicle parking spaces shall be on the same lot as the main structure they serve or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approval authority may authorize the parking spaces to be on any lot within 1000 feet walking distance for the structure being served upon written findings of compliance with the following provisions:

- (A) There is a safe, direct, attractive, lighted and convenient pedestrian route between the vehicle parking area and the use being served;
- (B) There is an assurance in the form of deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards;
- (C) Loading spaces and vehicle maneuvering areas shall be located only on or abutting the property served; and
- (D) Land devoted to off-site vehicle parking facilities is computed as a portion of total land area when determining the minimum and maximum land use intensities in terms of commercial and business office uses, and the number of residential dwellings allowed.

### **9.0821 Parking Lot Location on Transit Streets and in the Downtown and Civic Neighborhood Plan Districts**

- (A) Auto parking lots shall be located behind or beside buildings on one or both sides.
- (B) Auto parking and maneuvering areas (including any permitted drive-through service lanes) shall not be located between the street and the building facade with the primary entrance (abutting primary or secondary pedestrian street in the Civic Neighborhood).
- (C) Auto parking lots and maneuvering areas located to the side of a building cannot occupy more than 50% of the site's frontage onto a transit street, any street in the Downtown Plan District, or a primary or secondary pedestrian street in the Civic Neighborhood. When a site in the Civic Neighborhood has frontage on both a primary and a secondary pedestrian street, an auto parking lot located to the side of a building may occupy more than 50% of the site's frontage on the secondary pedestrian street.
- (D) Wherever possible, auto parking lots and maneuvering areas on corner lots should not be located adjacent to intersections.
- (E) In the Civic neighborhood, if a multi-block development includes a block or blocks with frontage on a primary pedestrian streets and a block or block without frontage, no block that has frontage on the primary pedestrian street may be entirely occupied with parking.
- (F) If a site in a Downtown Plan District has frontage on two intersecting streets, then all Building Orientation and Ground Floor Window standards of Section 7.0210(A)(4) & (5) apply to both adjacent streets, and auto parking lots shall be located behind or beside buildings on at least one of the street frontages.
- (G) Exemption. On sites of less than 10 acres with an average down-slope from the abutting transit street in excess of 7%, parking may be located between the transit street and a building or located adjacent to a transit street intersection, provided that:

- (1) On-site pedestrian connections are made from the parking lot to all adjacent transit streets in a direct as practical manner. Stairs may be required where ramps are impractical. Circuitous routes shall be avoided.
  - (2) There is at least one direct accessible route, from the transit street and to the primary building entrance, part of which may be located along an adjacent intersecting street.
  - (3) If the sloped site is adjacent to another street that intersects a transit street, then Transit Street, Downtown Plan and Civic Neighborhood design standards that apply to Transit Streets shall apply to the adjacent street instead of the transit street.
  - (4) On the adjacent street frontage, auto parking lots shall be located behind or beside buildings on one or both sides. Auto parking and maneuvering areas shall not be located between the building facade with the primary entrance and the adjacent street.
- (For purposes of subsection (G) , the slope perpendicular to the street, shall be the average as measured at regular intervals between the transit street frontage. The average slope shall be measured between the street and the rear lot line, prior to any grading.)

### **9.0822 Surface Parking Lot Design**

(A) All parking areas shall meet the following minimum design standards. By definition, parking for detached, two-unit attached, or single family attached dwellings are exempt from these requirements.

- (1) Surfacing and Striping. Areas used for parking and maneuvering of vehicles shall be paved with a minimum of 2 inch asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked and signed.
- (2) Curb Cuts/Access Points. Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. The number and location of the access points to public rights-of-way shall conform to the provisions of Section A5.503. Other designs (such as curb returns) for access points may be permitted by the Manager where justified by large traffic volumes using the access point, large truck movements, and other traffic safety concerns.
- (3) Driveways/Driveway Approach Width and Grade. Unless otherwise noted in Section A5.503, the maximum driveway approach width for commercial uses is 36 feet and for residential uses is 24 feet.
- (4) Driveways/Drive Aisle Width. Driveways shall have a minimum paved width of 20 feet for two-way circulation and 12 feet for one way circulation. Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting lots.
- (5) Turnaround Areas. Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- (6) Setback Restrictions for Parking Spaces and Drive Aisles. Except in the RTC, SC, CMF and CMU districts, vehicle parking areas, including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks for multi-dwelling structures containing three or more units, community service uses, or commercial and industrial developments. Within the RTC, SC, CMF and CMU districts, parking areas may encroach only into required rear and side setbacks.
- (7) Cluster of Spaces. Clusters of auto parking spaces shall not exceed 50 spaces. Auto parking clusters shall be separated by landscaping as provided in Section 9.0823(C)(5)(c) or by buildings or building groups.

- (8) Connect Parking Lots. Auto parking areas shall be designed to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public rights-of-way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.
- (9) Minimum Clearance. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width, but such clearance may be reduced in parking structures.
- (10) Drainage. Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.
- (11) Clear Vision Area. See Section 9.0200 for Driveway Clearance Vision Area Requirements. This provision does not apply in the Downtown or Civic Neighborhood Plan Districts.
- (12) Service and Loading Areas. Service and Loading areas shall not be located on the frontage of a light rail station or adjacent street, a transitway street, a transit street, or a primary or secondary pedestrian street.

(B) DEQ Indirect Source Construction Permit

All parking areas which are designed to contain 250 or more parking spaces, or to contain two or more levels shall require review by the Oregon Department of Environmental Quality (DEQ) to:

- (1) Acquire an Indirect Source Construction Permit; and
- (2) Investigate the feasibility of installing oil and grease separators.

**9.0823 Landscaping of Parking Lots**

(A) Purpose

In order to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and adjoining properties, all parking lots and maneuvering areas shall be landscaped. Adequately landscaped parking lots will reduce the area of impervious surfaces, reduce the level of carbon dioxide in areas of heavy vehicle use, return pure oxygen to the atmosphere, and provide shade as a means of altering the micro-climate of parking lots.

(B) General Provisions

- (1) Efforts shall be made to save as many existing healthy trees and shrubs on the site as possible.
- (2) All landscaped areas shall be irrigated with a permanent in-ground irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation.
- (3) The property owner is responsible for the establishment and maintenance of landscaping in accordance with the requirements of this section. Parking lot landscaping shall consist of large canopied (at maturity) deciduous trees, mid-sized shrubs, and ground cover.
  - (a) A minimum of 70 percent of all landscaped parking areas, including required planting strips and planting islands, shall be covered with trees, shrubs, and continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
  - (b) The minimum planting size for trees shall be 2.0 inch caliper as measured by American Association of Nurseryman standards. Parking Lot trees shall be deciduous shade trees capable of at least 35 feet in height and spread at maturity.

- (c) Evergreen shrubs shall be at least 24 inches high at finished grade and a minimum of one gallon in size at the time of planting.
- (d) Ground cover shall be a minimum 4 inch pot, spaced at a minimum of 2 feet on center.
- (e) Evergreen shrubs shall be not less than 2 feet higher than finished grade, and at least one-gallon size at the time of planting. Evergreen shrubs must grow to be at least 36 inches higher than finished grade at the developed surface area.

(C) Parking Lot Landscape Design

(1) Parking Lot Entryway. Entryways into auto parking lots shall be bordered by a minimum 5 feet wide landscape planter strip with large-scale, high canopy trees 20 to 30 feet on center and low shrubs or a 2 feet high berm with groundcover.

(2) Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by a 5 foot planting bed of trees, shrubs and groundcover, or a pedestrian walkway subject to Section 9.0824(F).

(3) Landscaping/Screening Along a Public Right-of-Way. All public and private surface motor vehicle parking lots shall provide perimeter lot landscaping where parking, maneuvering or loading areas abut a public right-of-way (except alleys and accessways), according to the following requirement.

(4) Perimeter Screening. In addition to required street trees, one of the following three types of auto parking perimeter screening shall be provided:

- (a) A planting strip. A planting strip in the required setback between the right-of-way and the parking area. The planting strip may be pierced by pedestrian accessible and vehicular accessways. Planting strips shall be planted with large-scale, high-canopy, horizontally-branching street tree species and an evergreen hedge. Hedge is to be low level, between 30 and 42 inches in height, or
- (b) A decorative wall or evergreen hedge screen of 30 to 42 inches in height shall be established parallel to and not nearer than 2 feet from the right-of-way line. The area between the wall or hedge and street line shall be landscaped. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians, or
- (c) Planting strip landscape requirements in addition, may be achieved by a combination of berms, lowering of grade and plants. Slopes of landscaped berms shall not exceed 1:4 for lawn areas, or 1:2 for berms planted with groundcover and shrubs.

Visual breaks, no more than 5 feet in width, shall be provided every 30 feet within evergreen hedges abutting public right-of-ways.

Shrubs, when used as parking perimeter screens, shall, at the time of planting, be of a size that will achieve the desired screening height of 30 inches within 12 months.

(5) Interior Parking Lot Landscaping. In addition to parking lot perimeter landscaping, surface parking lots shall include landscaping to cover not less than ten (10%) of the parking/maneuvering area, including:

- (a) A minimum average of 1 tree per 9 parking spaces.
- (b) Evergreen ground cover shall cover planting areas not covered by shrubs or trees.

- (c) Where required to separate auto parking clusters, interior landscape strips provided between rows of parking shall be a minimum of 5 feet in width to accommodate pedestrian walkways, shrubbery, ground cover, and large-scale, high canopy shade trees placed 20 to 30 feet on center.
  - (d) A planting bay shall be located at the end of each parking row and at intervals within the parking rows. Planting bays shall have a minimum width of 9 feet wide to allow doors to open without damage and a minimum of 180 square feet. Each bay shall be curbed and provide one shade tree having a clear trunk height of at least nine feet when mature.
  - (e) Angled or perpendicular parking spaces shall provide extruded curbs (bumper stop) or widened curbs to prevent bumper overhang into interior landscaped strips or walkways.
- (6) Alternate Landscaping Plan. For parking lots with 20 or fewer vehicle parking spaces located in the Rockwood Town Center, Station Centers, Central Urban Core, Downtown Transit, and Downtown Moderate-Density Residential (DR-30) districts, an applicant may prepare an Alternate Landscaping Plan and specifications which meets the intent of the requirement in Subsections (C)(1), (2), and (3) above and the intent of the district.

#### **9.0824 Pedestrian Circulation/Walkways**

- (A) A protected raised accessible route, walk and circulation path a minimum of 5 feet wide shall be installed through any parking lot of 50 or more spaces, designed to connect to the front building sidewalks.
- (B) A pedestrian accessible walk must be provided between the bicycle parking and the building entrance. The walk must be constructed of hard surfaced materials with a minimum width of 3 feet.
- (C) All walks constructed within parking lots shall be raised to standard sidewalk height except when a walk crosses a vehicular way. All surface treatment of walks shall be firm, stable and slip resistant.
- (D) Where an accessible route/walk crosses or adjoins a vehicular way (and where there are no curbs, railings or other elements separating the pedestrian and vehicular areas detectable by a person who has a severe vision impairment), the walkway area shall be defined by a marked crossing that has a continuous, detectable marking not less than 36 inches wide. Where walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant paving materials.
- (E) Where walkways abut parking, the minimum walkway width shall be 7 feet.
- (F) Accessible routes must comply with the International Building Code on Accessibility. The more restrictive walkway standards shall apply when there is a conflict.

#### **9.0825 Space and Aisle Standards for Surface Parking Lots**

- (A) All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in Figure 9.0825A, presented on the following page.
- (B) A minimum of 50% of vehicle parking stalls shall be of standard size, and a maximum of 50% of vehicle parking stalls shall be compact spaces.
- (C) All parallel parking spaces used in a surface parking lot will be marked with white lines or designated as accessible parking spaces with blue lines and International Symbol of Accessibility Parking Space marking and sign, as required with current ADA regulations.
- (D) All parallel parking spaces will have a minimum measurement of 8 feet in width and 24 feet in length whether marked or unmarked. The Manager may reduce parallel parking spaces to 20 feet in length

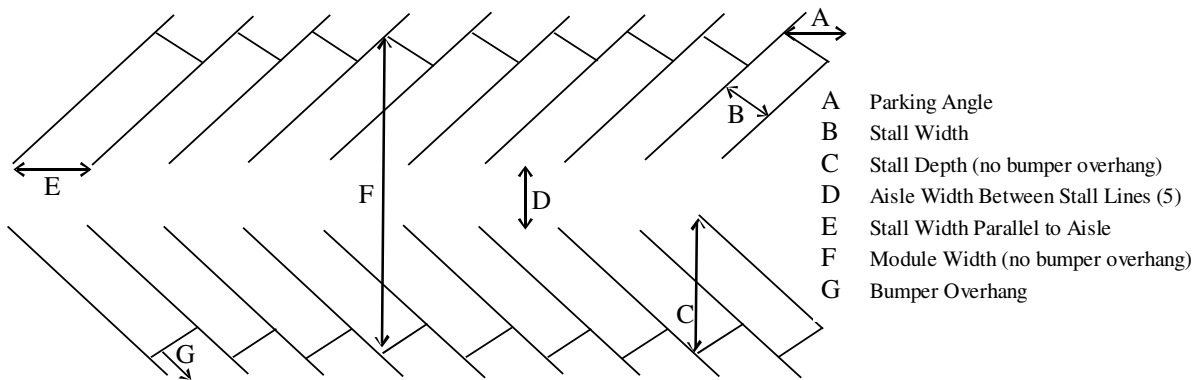


when at least 4 feet of adjacent length of maneuvering area is available for backing or pulling into the parallel parking space (i.e., shared safety zone).

**Figure 9.0825A: Off-Street Surface Parking Matrix**

| <b>OFF-STREET SURFACE PARKING MATRIX</b>    |      |       |       |       |       |      |          |       |       |       |       |      |
|---|------|-------|-------|-------|-------|------|----------|-------|-------|-------|-------|------|
| Required Space and Aisle Dimensions in Feet |      |       |       |       |       |      |          |       |       |       |       |      |
| COMPACT                                     |      |       |       |       |       |      | STANDARD |       |       |       |       |      |
| A   | B    | C     | D     | E     | F     | G    | B        | C     | D     | E     | F     | G    |
| 45°   | 7.50 | 15.50 | 13.00 | 10.61 | 44.00 | 2.00 | 8.50     | 17.50 | 13.00 | 12.00 | 48.00 | 2.00 |
|   | 7.75 | 15.50 | 12.00 | 10.96 | 43.00 | 2.00 | 9.00     | 17.50 | 12.00 | 12.70 | 47.20 | 2.00 |
|   | 7.75 | 15.50 | 11.00 | 10.96 | 42.00 | 2.00 | 9.50     | 17.50 | 11.00 | 13.40 | 46.00 | 2.00 |
|   | 8.00 | 15.50 | 11.00 | 11.32 | 42.00 | 2.00 | 10.00    | 17.50 | 11.00 | 14.10 | 46.00 | 2.00 |
| 60°   | 7.50 | 17.00 | 18.00 | 8.62  | 48.00 | 2.50 | 8.50     | 19.00 | 18.00 | 9.80  | 56.00 | 2.50 |
|   | 7.75 | 17.00 | 16.00 | 9.01  | 46.00 | 2.50 | 9.00     | 19.00 | 16.00 | 10.40 | 54.00 | 2.50 |
|   | 7.75 | 17.00 | 15.00 | 9.01  | 54.00 | 2.50 | 9.50     | 19.00 | 15.00 | 11.00 | 53.00 | 2.50 |
|   | 8.00 | 17.00 | 14.00 | 9.20  | 44.00 | 2.50 | 10.00    | 19.00 | 14.00 | 11.60 | 52.00 | 2.50 |
| 75°   | 7.50 | 17.50 | 25.50 | 7.73  | 60.50 | 2.50 | 8.50     | 19.50 | 25.50 | 8.80  | 64.00 | 2.50 |
|   | 7.75 | 17.50 | 23.00 | 7.99  | 58.00 | 2.50 | 9.00     | 19.50 | 23.00 | 9.30  | 62.00 | 2.50 |
|   | 7.75 | 17.50 | 22.00 | 7.99  | 57.00 | 2.50 | 9.50     | 19.50 | 22.00 | 9.80  | 61.00 | 2.50 |
|   | 8.00 | 17.50 | 21.00 | 8.25  | 56.00 | 2.50 | 10.00    | 19.50 | 21.00 | 10.30 | 60.00 | 2.50 |
| 90°   | 7.50 | 16.50 | 28.00 | 7.50  | 61.00 | 3.00 | 8.50     | 18.50 | 28.00 | 8.50  | 65.00 | 3.00 |
|   | 7.75 | 16.50 | 26.00 | 7.75  | 60.00 | 3.00 | 9.00     | 18.50 | 26.00 | 9.00  | 63.00 | 3.00 |
|   | 7.75 | 16.50 | 25.00 | 7.75  | 79.00 | 3.00 | 9.50     | 18.50 | 25.00 | 9.50  | 62.00 | 3.00 |
|   | 8.00 | 16.50 | 24.00 | 8.00  | 58.00 | 3.00 | 10.00    | 18.50 | 24.00 | 10.00 | 61.00 | 3.00 |

Stall width dimensions may be distributed as follows: 50% standard spaces, 50% compact spaces. All compact spaces shall be labeled as such.



**Figure 9.0825A Notes:**

1. For one (1) row of stalls use "C" plus "D" as minimum width.
2. Public alley width may be included as part of dimension "D", but all stalls must be on private property, off the public right-of-way.
3. For estimating available parking area, use 350 square feet per vehicle for stall, aisle and access areas.
4. The stall width for self-parking of long duration is 8.6 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers with packages) is 9.5 to 10.0 feet.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. All parallel parking spaces will have minimum dimensions of 8 feet in width by 24 feet in length.

**9.0826 Accessible Parking**

- (A) All required parking areas shall provide accessible parking spaces and accessible aisles. These accessible spaces shall be located on the shortest practical accessible route to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Curb ramps or other sloped areas shall be located to prevent their obstruction by parked vehicles. Accessible parking spaces shall be minimum of 9 feet wide with a 6 foot wide access aisle between each two spaces.
- (1) Van Accessible Parking. One in eight parking spaces, but not less than one space, must provide a van-accessible parking space. Van accessible parking spaces are 9 feet wide with an 8 foot wide aisle which can be shared with another 9 foot accessible space. If a single accessible parking space is provided, it shall be designated "van accessible" and shall have an additional sign mounted. Van accessible spaces shall be provided outside of a garage except in public or private parking structures but may have cover such as a carport and shall be available for use by any authorized vehicle. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.
  - (2) Marking. The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards.
  - (3) Medical Care. Medical care occupancies specializing in the treatment of persons with mobility impairments shall provide 20% of required parking spaces as accessible. Exception: For outpatient facilities, 10% of parking spaces need to be accessible.
  - (4) Passenger Drop-off and Loading Zones. Where provided, passenger drop-off and loading zones shall be located on an accessible route, shall not be less than 12 feet wide by 25 feet long, and the slope not to exceed one vertical in 50 horizontal and a vertical clearance of 114 inches, and shall be designed and constructed according to the International Building Code.
- (B) Accessible spaces shall comply to International Building Code, Chapter 11. Where there is a conflict, the more restrictive standard shall apply.

## **Bicycle Parking Standards**

### **9.0830 Bicycle Parking Design Standards**

All developments shall meet the following minimum requirements for bicycle parking and design:

#### **(A) Purpose**

Bicycle parking is required in most land-use districts and categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use.

The main purpose of these design standards is to ensure that bicycle parking is visible from the street, is convenient to cyclists in its location, and provides sufficient security from theft and damage.

#### **(B) Minimum Required Bicycle Parking Spaces and Methods:**

The required minimum number of bicycle parking spaces for each principal use is given in Table 9.0851. Additional bicycle parking spaces may be required at common use areas.

#### **(C) Bicycle Parking Location and Access**

- (1) Use. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
- (2) Lighting. Required bicycle parking must have a minimum lighting level of 3 foot candles.
- (3) Location. Outdoor bicycle parking must be located closer to primary building entrances than auto parking, within 50 feet or less from the primary building entrances. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate bicycle parking areas. (See Sign Code Section A6.050(C).) Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require stairs to access the space; exceptions may be made for parking on upper stories within multi-story residential buildings.
- (4) Amenities. Bicycle parking areas are encouraged to include a bench and bicycle rack screened with 30-36 inches shrubs from any parked cars or arterial streets.
- (5) Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access walk required by the International Building Code, Chapter 31. With approval of the Manager, bicycle parking may be located in the public sidewalk or right-of-way, where this does not conflict with pedestrian accessibility.

#### **(D) Covered Bicycle Parking Spaces**

All required bicycle parking spaces must be sheltered from precipitation by means such as roof extensions, overhangs, awnings, arcades, carports or enclosures. Bicycle parking permitted in the public right of way is not required to be covered. Bicycle parking for public trails is not required to be covered except when located at picnic shelters where bicycle parking must be sheltered.

Fifty percent of the required bicycle parking at transit stations, centers, and park and ride lots, must be lockable enclosures or lockers.

(E) Bicycle Rack Types and Space Dimensions

- (1) Bicycle rack type. The racks provided in the required bicycle parking facilities shall ensure that bicycles may be securely locked to them without undue inconvenience.
  - (a) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Bicycle parking racks, shelters or lockers must be securely anchored to the ground or to a structure.
  - (b) Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. A list of standard, acceptable bicycle racks, shelters and lockers will be provided by the City. This will not preclude other designs with approval of the Manager.
- (2) Bicycle Parking Space Dimensions. Bicycle parking spaces shall be at least 2.5 feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.
  - (a) Each required bicycle parking space must be accessible without moving another bicycle.
  - (b) Bicycle parking spaces required by this Chapter may not be rented or leased except where required motor vehicle parking is rented or leased. At cost or deposit fees for bicycle parking are exempt from this requirement.

(F) Paving and Surfacing of Bicycle Parking Area

Outdoor bicycle parking facilities shall be surfaced with hard surfacing material at least 2 inches minimum (i.e. pavers, asphalt, concrete or similar material). This surface must be designed to maintain a well-drained condition.

(G) Exemptions

The following uses are exempted from Bicycle Parking requirements:

- \* Temporary Uses
- \* Agricultural
- \* Mini-storage facilities for household and consumer goods.
- \* Home Occupations

## Off-Street Loading

### 9.0840 Off-Street Loading Requirements

(A) Purpose of Loading Area Regulations

The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, and industrial uses. The intent of these regulations is to minimize disruption of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian circulation.

(B) When Loading Area Regulations Apply

This regulation applies to all non-residential development in mixed-use, commercial, and industrial districts, whether or not a permit or other approval is required for the development.

(C) General Loading Area Regulations

- (1) Loading area requirements are provided in Table 9.0840(C). The number of required loading spaces is based on the use of the building and the building size minus any residential component square footage. Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use (based on square footage of each use) computed separately. The Manager may reduce but not eliminate loading area requirements, where approval criteria are satisfied.
- (2) The provision and maintenance of off-street loading facilities is a continuing obligation of the property owner.
- (3) Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the Manager.
- (4) Parking of passenger vehicles may be allowed in off-street loading areas subject to specific time limits to prevent conflicts with off-street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count towards meeting general parking requirements.
- (5) Required Off-Street Loading
  - (a) Each required off-street loading space in an industrial area shall have a minimum length of 60 feet, a minimum width of 12 feet, and a minimum vertical clearance of 15 feet high, inside dimensions with a 60-foot maneuvering apron.
  - (b) Each required off-street loading space, other than industrial zones, shall have a minimum length of 30 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet 6 inches high, inside dimensions with 30-foot maneuvering apron.
- (6) Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed unless approved by the Manager under special circumstances.
- (7) Uses not specifically mentioned: In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned uses, as determined by the Manager, which is most similar to the use not specifically mentioned.
- (8) Concurrent different uses: When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Manager but in no event shall the loading requirements be less than the total required for each use based upon its aggregate floor area, on the same lot or parcel of land as the structure they are intended to serve, unless loading areas approval criteria are satisfied.

**Table 9.0840(C)**

| <b>Use Category or Subcategory</b>   | <b>Aggregated Floor Area (Square Feet)</b>   | <b>Minimum Number of Loading Spaces Required</b>      |
|--|--|---|
| <b>Residential</b>   | None Required  | None Required   |
| <b>Industrial*</b><br>Freight terminals, industrial plants, manufacturing, processing, wholesale establishments, or warehouses | Under 50,000<br>50,000 – 100,000<br>Each additional 50,000 or fraction thereof                       | 1 space<br>2 spaces<br>1 additional space             |
| <b>Mini-Storage Facilities</b>   | None Required  | None Required   |
| <b>Visitor Accommodations</b><br>Motel, hotel, convention hall, or sport arena   | 25,000 – 150,000<br>150,000 – 400,000<br>Each additional 150,000 or fraction thereof                 | 1 space<br>2 spaces<br>1 additional space             |
| <b>Institutions</b><br>Convalescent Home, Hospitals  | 10,000 – 100,000<br>Over 100,000   | 1 space<br>2 spaces                                   |
| Schools – Passenger Loading  | Over 14,000  | 1 space   |
| <b>Commercial</b><br>Department stores, retail establishments, restaurants, and funeral homes                                  | 7,000 – 24,000<br>24,000 – 50,000<br>50,000 – 100,000<br>Each additional 100,000 or fraction thereof | 1 space<br>2 spaces<br>3 spaces<br>1 additional space |
| <b>Office</b><br>Office building, banks  | 25,000 – 40,000<br>40,000 – 100,000<br>Each additional 100,000 or fraction thereof                   | 1 space<br>2 spaces<br>1 additional space             |

\*Industrial loading space required to be (length/width/height) – 60 ft. x 12 ft. x 15 ft.  
All other loading spaces shall measure 30 ft. x 12 ft. x 14.6 ft. unless otherwise justified and approved by Manager.

(D) Location of required loading facilities.

- (1) The off-street loading facilities, in all cases, shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
- (2) The off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
- (3) No loading space shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to the street.
- (4) In the Industrial zones, loading areas shall be located so that they are not parallel to any adjacent public right-of-way except alleys.
- (5) Bays and Doors: Truck loading bays or overhead doors shall be located in a manner that would preclude any possibility for trucks to back into bays from arterial streets.

(E) Approval Criteria for Modification of Loading Facilities

- (1) The Type I Procedure, as described in Section 11.0202 – Administrative Decision - of this code, shall apply to any modifications made to loading facilities.
- (2) In order to approve a reduction to the number of loading spaces required in Table 9.0840(C) – Required Off-Street Loading Spaces - or any dimensional changes to the proposed loading spaces or maneuvering areas, the Manager shall make findings of fact based on evidence provided by the applicant demonstrating that all of the following criteria are satisfied:
  - (a) The determination will not create adverse impacts, taking into account the total gross floor area, and the hours of operation, and type of the use or uses.
  - (b) The proposal will not interfere with pedestrians or vehicular traffic on the street or to the proposed on-site traffic circulation patterns.
  - (c) The proposal will be able to reasonably accommodate the off-street loading needs of the structure.
  - (d) The proposed dimensional changes to loading space or maneuvering area can reasonably accommodate the on-site traffic circulation.

## **Minimum/Maximum Required Off-Street Parking**

### **9.0850 Minimum and Maximum Required Off-Street Parking - General**

(A) For the purpose of calculating parking ratios in all districts, the following type of parking spaces do not count against the maximum ratio but do count toward the minimum ratio:

- (1) Accessible parking
- (2) Vanpool and Carpool parking
- (3) Full time valet parking
- (4) User-paid parking at market rate (except as provided in Section 9.0850(C), below)
- (5) Structured parking
- (6) Park and Ride lot parking

- (7) Vehicle Parking within, above, or beneath the building(s) it serves, or within a parking structure, above or below grade
- (8) Other high-efficiency parking management alternative approved by the Manager
- (B) For the purpose of calculating parking ratios in all districts the following types of parking are considered outside storage and do not count against the maximum or minimum ratios:
  - (1) Fleet vehicle parking
  - (2) Parking for vehicles that are for sale, lease, or rent
- (C) For dwelling structures containing two or more units, including elderly housing, where residents are charged a fee or surcharge for a parking space, any such spaces shall not be counted toward meeting the minimum number of spaces required for the development.
- (D) Surface parking lots exceeding minimum parking requirements shall be designed to allow for more intensive future site development.

**9.0851 Standards for Minimum/Maximum Auto and Bicycle Parking**

Except as otherwise provided in the Downtown, Civic Neighborhood and Transit Development Districts, the minimum and maximum parking for any development shall be as follows. For exceptions to minimum parking space standards, see Section 9.0853. For exceptions to maximum parking space standards, see Section 9.0854.



**Table 9.0851 - Minimum/Maximum Auto and Bicycle Parking Table**

|   | Auto Parking  |  | Bicycle Parking                             |
|---|---|--|---|
|   | Minimum   | Maximum                                    |   |
| <b>(A) RESIDENTIAL</b>  |   |  |   |
| (1) One, two and three unit dwelling structures and single family attached dwellings <sup>3</sup>                                     | 2 spaces per dwelling unit  | None                                       | None Required                               |
| (2) Manufactured Home <sup>3</sup>  | 2 spaces per dwelling unit  | None Required                              | None Required                               |
| (3) Attached dwellings containing four or more dwelling units   |   |  |   |
| (a) Studio and one-bedroom units  | 1.25 spaces per dwelling unit   | None                                       | 1 space per unit                            |
| (b) Two-bedroom units   | 1.5 spaces per dwelling unit  | None                                       | 1 space per unit                            |
| (c) Three or more bedroom units   | 1.75 spaces per dwelling unit   | None                                       | 1 space per unit                            |
| (d) Visitor Parking <sup>4</sup>  | 0.35 spaces per dwelling unit (if less than 100 total dwelling units);<br>0.25 spaces per dwelling unit (if 100 or more total dwelling units) | None                                       |   |
| (4) Attached dwellings containing 4 or more dwelling units within the Rockwood Town Center and Station Centers Districts <sup>3</sup> | One space per dwelling unit   | None Required                              | 1 space per unit                            |
| <b>(B) COMMERCIAL</b>   |   |  |   |
| <b>(1) Retail Services</b>  |   |  |   |
| (a) Grocery stores and Supermarket  | 2.9 spaces per 1,000 sq. ft. of floor area  | 3.7 spaces per 1,000 sq. ft. of floor area | 0.33 spaces per 1,000 sq. ft. of floor area |
| (b) Commercial, Personal/Business Services  | 3.2 spaces per 1,000 sq. ft. of floor area  | 4.3 spaces per 1,000 sq. ft. of floor area | 0.3 spaces per 1,000 sq. ft. of floor area  |
| (c) Retail Trade  | 3.6 spaces per 1,000 sq. ft. of floor area  | 5.1 spaces per 1,000 sq. ft. of floor area | 0.3 space per 1,000 sq. ft. of floor area   |
| (d) Convenience Market  | 2.3 spaces per 1,000 sq. ft. of floor area  | 4.3 spaces per 1,000 sq. ft. of floor area | 2 spaces per 1,000 sq. ft. of floor area    |
| (e) Retail with bulky merchandise (Furniture, appliances, carpet)   | One space per 1,000 sq. ft. of floor area   | 1.3 spaces per 1,000 sq. ft. of floor area | 0.3 space per 1,000 sq. ft. of floor area   |
| (f) Motel, Hotel, Bed & Breakfast   | 1 space per guest room or suite   | 1.3 spaces per guest room or suite         | 1 space per 10 guest rooms                  |

|   | <b>Auto Parking</b>  |  | <b>Bicycle Parking</b>  |
|---|--|--|---|
|   | <b>Minimum</b>   | <b>Maximum</b>   |   |
| (g) Meeting Room  | 0.2 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the International Building Code (IBC) | 0.3 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the IBC | 1 space per 40 seats in meeting rooms                                 |
| <b>(h) Eating or Drinking Establishments<sup>1</sup></b>            |  |  |   |
| (i) Restaurants with drive through                                  | 6.0 spaces per 1,000 sq. ft. of floor area   | 12.4 spaces per 1,000 sq. ft. of floor area  | 1 space per 1,000 sq. ft.   |
| (ii) Restaurants without drive through                              | 8.0 spaces per 1,000 sq. ft. of floor area   | 19.1 spaces per 1,000 sq. ft. of floor area  | 1 space per 1,000 sq. ft. floor area                                  |
| (i) Sports Clubs/ Health Spas                                       | 4.0 spaces per 1000 sq. ft. of floor area  | 5.4 spaces per 1,000 sq. ft. of floor area   | 0.4 spaces per 1,000 sq. ft. of floor area                            |
| (j) Arcades, Bowling Alleys, Skating rinks and other Indoor/Outdoor | 4.0 spaces per 1,000 sq. ft. of floor area   | 5.0 spaces per 1,000 sq. ft. of floor area   | 0.4 space per 1,000 sq. ft. of floor area                             |
| (k) Tennis and Racquet Ball Clubs                                   | 1.0 space per 1,000 sq. ft. of floor area  | 1.3 spaces per 1,000 sq. ft. of floor area   | 0.2 spaces per 1,000 sq. ft. of floor area                            |
| (l) Mortuaries and Cemeteries                                       | 0.3 space per seat in assembly area or 6.0 linear feet bench seating in largest assembly area  | 0.6 space per seat in assembly area or 4.5 linear feet bench seating in largest assembly area                        | 0.1 space per 1,000 sq. ft. of floor area                             |
| (m) Theaters  | 0.3 spaces per seat or 6.0 linear feet bench seating   | 0.4 space per seat or 5.0 linear feet bench seating  | 0.04 space per seat or 60 linear feet bench seating                   |
| (n) Truck, Trailer, Boat Auto Rental or Sales                       | 1.0 space per 1,000 sq. ft. of site area   | 1.3 spaces per 1,000 sq. ft. of site area  | 2 or 0.1 space per 1,000 sq. ft. of site area                         |
| (o) Open Air Commercial (Lumber) Yard, Nursery                      | 1.0 space per 1,000 sq. ft. of site area   | 1.3 spaces per 1,000 sq. ft. of site area  | 2 or 0.1 space per 1000 sq. ft. of site area                          |
| (p) Equipment Rental, Moving Supplies or Mini-storage facilities    | 1.0 space per 1,000 sq. ft. of site area   | 1.3 spaces per 1,000 sq. ft. of site area  | 2 or 0.1 space per 1,000 sq. ft. of site area                         |
| <b>(2) Office</b>   |  |  |   |
| (a) General Office  | 2.7 spaces per 1,000 sq. ft. of floor area   | 3.4 spaces per 1,000 sq. ft. of floor area   | 1 space per 2,000 sq. ft. of floor area                               |
| (b) Medical and Dental Offices and Clinics                          | 3.9 spaces per 1,000 sq. ft. of floor  | 4.9 spaces per 1,000 sq. ft. of floor area   | 0.4 spaces per 1,000 sq. ft. of floor                                 |
| <b>(3) Vehicle Servicing</b>  |  |  |   |
| (a) Service Station   | 3 spaces plus 2 spaces per service bay, if any   | 4 spaces plus 2.5 spaces per service bay, if any   | 2 spaces or 0.2 per 1,000 sq. ft. of floor area, whichever is greater |

|  | <b>Auto Parking</b>  |  | <b>Bicycle Parking</b>   |
|--|--|--|--|
|  | <b>Minimum</b>   | <b>Maximum</b>   |  |
| (b) Service Station with Convenience Market with gas pumps | 2.3 spaces per 1,000 sq. ft. of floor area   | 2.9 spaces per 1,000 sq. ft. of floor area   | 2 spaces or 0.2 spaces per 1,000 sq. ft. of floor area, whichever is greater                                 |
| (c) Vehicle Repair   | 4 spaces per service bay   | 5 spaces per service bay   | 2 spaces or 0.2 space per 1,000 sq. ft. of floor area, whichever is greatest                                 |
| (d) Car Wash   | 2 spaces per service bay or lane   | 3 spaces per service bay or lane   | 2 spaces or 0.2 spaces per 1,000 sq. ft. of floor area, whichever is greatest                                |
| <b>(4) Commercial Parking</b>                              |  |  |  |
| (a) Commercial   | None Required  | None Required  | 1 space per 20 vehicle parking spaces  |
| (b) Light Rail Stations                                    | None Required  | None Required  | 10 spaces  |
| (c) Park-and-Ride  | None Required  | None Required  | 10 spaces per lot or 1 space per 40 vehicle parking spaces, whichever is greater                             |
| (d) Transit Transfer Centers                               | None Required  | None Required  | 4 spaces minimum or 10 spaces per acre, whichever is greater   |
| (e) Parks and Open Space                                   | None Required  | None Required  | 4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater                                      |
| (f) Public Parking   | None Required  | None Required  | 1 space per 40 vehicle parking spaces  |
| <b>(C) COMMUNITY SERVICE</b>                               |  |  |  |
| (1) Educational Institutions                               |  |  |  |
| (a) Pre-school Child Care Facilities or Kindergarten       | 1 space per classroom  | 2 spaces per classroom   | 4 spaces minimum or 0.5 space/classroom, whichever is greater  |
| (b) Elementary or Middle Schools                           | 2 spaces per classroom   | 2.5 spaces per classroom   | 10 spaces minimum or 1 space per classroom, whichever is greater   |
| (c) High School  | 7 spaces per classroom   | 10.5 spaces per classroom  | 10 spaces minimum or 1 space per classroom, whichever is greater   |
| (d) College  | 3.0 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply) | 3.8 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply) | 0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply) |

|  | Auto Parking   |  | Bicycle Parking  |
|--|--|--|--|
|  | Minimum  | Maximum  |  |
| (e) Commercial Schools                               | 3.0 spaces per 1,000 sq. ft. of floor area                                       | 3.8 spaces per 1,000 sq. ft. of floor area   | 0.3 spaces per 1,000 sq. ft. of floor area   |
| (2) Religious Institutions                           | 0.3 spaces per seat or 1 space per 6.0 linear feet of bench seating in sanctuary | 0.6 spaces per seat or 1 space per 4.5 linear feet of bench seating in sanctuary   | 1 space per 40 seats or 1 space per 60 linear feet of bench seating  |
| (3) Libraries, Museums and Cultural Institutions     | 3.0 spaces per 1,000 sq. ft. of floor area                                       | 3.8 spaces per 1,000 sq. ft. of floor area   | 1.5 spaces per 1,000 sq. ft. of floor area   |
| (4) Group Living                                     |  |  |  |
| (a) Elderly Housing                                  | <sup>2</sup> (see Table Note 2)  | None Required  | 1 per 20 units first 100 units, 1 per 40 units thereafter  |
| (b) Residential Facilities or Homes                  | One space per 4 beds   | None Required  | 1 per 5 beds   |
| (c) Houseboat Moorage                                | One space per berth  | None Required  | None Required  |
| (5) Medical Centers and Hospitals                    | Two spaces per bed or 2.0 spaces per 1,000 sq. ft. of floor area                 | 2.5 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply) | 0.2 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply) |
| (6) Stadium, Arena, and Auditorium                   | 0.3 spaces per seat or 6.0 linear ft. bench seating                              | 0.4 spaces per seat or 5.0 linear ft. of bench seating   | 1 space per 40 seats or 60 linear feet of bench seating  |
| (7) Adult Senior Center                              | 2.0 spaces per 1,000 sq. ft. of floor area                                       | 2.5 spaces per 1,000 sq. ft. of floor area   | 0.2 spaces per 1,000 sq. ft. of floor area   |
| (8) City Recreation Center                           | 2.0 spaces per 1,000 sq. ft. of floor area                                       | 2.5 spaces per 1,000 sq. ft. of floor area   | 0.3 spaces per 1,000 sq. ft. of floor area   |
| (9) Marina, Boat Moorage                             | 1.0 spaces per berth   | None Required  | 1 space per 40 berths  |
| (10) Campground                                      | 1.0 space per campsite   | None Required  | None Required  |
| (11) Helicopter Landing Facility                     | 2 spaces per helicopter based at facility  | 2.5 spaces per helicopter based at facility  | None Required  |
| (12) Institutions                                    |  |  |  |
| (a) Welfare or Correctional Institutions             | 0.3 space per bed based on maximum capacity                                      | 0.4 space per bed based on maximum capacity  | 1 space per 5 beds   |
| (b) Convalescent Hospital, Sanitarium                | 0.5 space per bed based on maximum capacity                                      | 0.6 space per bed based on maximum capacity  | 1 space per 20 beds for first 100 units; 1 per 40 beds thereafter  |
| (13) Private Utility (gas, electric, telephone etc.) | One space or 0.8 space per each employee on largest shift                        | One space per each employee on largest shift   | 1 space per 2,000 sq. ft. of office floor area   |

|  | Auto Parking  |   | Bicycle Parking  |
|--|---|---|--|
|  | Minimum   | Maximum   |  |
| <b>(D) INDUSTRIAL</b>  |   |   |  |
| (1) Manufacturing, Processing, Packing Assembly, & Fabrication | 1.6 spaces per 1,000 sq. ft. of floor area  | 2.0 spaces per 1,000 sq. ft. of floor area  | 0.1 space per 1,000 sq. ft. of floor area  |
| (2) Warehouse, Freight Movement Distribution, and Storage      | 0.5 space per 1,000 sq. ft. of floor area (if less than 150,000 sq. ft. of floor area)<br><br>0.3 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area) | 0.7 space per 1,000 sq. ft. of floor area (if less than 150,000 sq. ft. of floor area); 0.4 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area) | 0.1 space per 1,000 sq. ft. of floor area<br><br>0.1 space per 1,000 sq. ft. of floor area   |
| (3) Wholesale, Retail Sales                                    | 0.8 space per 1,000 sq. ft. of floor area   | 1.0 space per 1,000 sq. ft. of floor area   | 0.1 space per 1,000 sq. ft. of floor area  |
| (4) Industrial, Commercial Services                            | 0.8 space per 1,000 sq. ft. of floor area   | 1.0 space per 1,000 sq. ft. of floor area   | 0.1 space per 1,000 sq. ft. of floor area  |
| (5) Office (Relating Industrial uses)                          | 2.7 spaces per 1,000 sq. ft. of floor area  | 3.4 spaces per 1,000 sq. ft. of floor area  | 0.5 space per 1,000 sq. ft. of floor area  |
| (6) Laboratories, Research and Development Facilities          | 3.0 spaces per 1,000 sq. ft. of floor area  | 3.8 spaces per 1,000 sq. ft. of floor area  | 0.3 space per 1,000 sq. ft. of floor area  |
| <b>(E) NOT SPECIFICALLY MENTIONED</b>                          | For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.  | For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.                                      | For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager. |

**Table Notes:**

- 1 Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants without drive-through.
- 2 The burden shall be on the applicant to demonstrate that the parking being proposed will be adequate to serve the project. The parking plan shall consist of the following:
  - (a) There shall be one parking space for every 0.8 employee, based on the maximum number of employees during any single shift;
  - (b) There shall be one parking space for each visitor based on the average number of visitors expected during peak visiting hours;
  - (c) To determine the parking required for the project residents or tenants, consideration shall be given to the number of units or, in the case of a nursing facility, the number of beds; the type(s) of elderly housing proposed; the proximity of the facility to transit services, medical services, and shopping; and such other factors as the Manager finds appropriate.
- 3 See also applicable residential parking standards contained in Sec. 9.0870 and Sec. 4.0440.
- 4 Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by items (a) through (c).

**9.0852 Plan District Minimums and Maximums**

**(A) Civic Neighborhood Plan District**

Off-street parking facilities provided in connection with new development must be appropriate to the dense mix of uses which characterize the Civic Neighborhood Plan District. Parking should be secondary to easy and safe pedestrian movement. The scale and orientation of parking lots shall be consistent with their purposes in supporting a mix of commercial and residential uses and the vital, pedestrian and transit oriented community to which they contribute.

- (1) Minimum Off-Street Parking. Minimum off-street parking for automobiles shall be provided as specified in Table 4.1230 (I). Off-street parking for automobiles is not required for new commercial development in the Civic Neighborhood PD. However, if required by the International Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. Bicycle parking shall be provided in connection with new development as provided in Table 9.0851.
- (2) Maximum Off-Street Parking. Maximum off-street parking permitted for residential uses shall be as specified in Table 4.1230 (J). Maximum off-street parking for commercial uses shall be as specified in Table 9.0852(A) below:
- (3)

**Table 9.0852(A)**

| Permitted Land Use<br>(Section 4.1220) | Maximum Parking up to 65,000 SF of floor area   | Maximum Parking 65,000 to 90,000 SF of floor area   | Maximum Parking greater than 90,000 SF of floor area  |
|--|---|---|---|
| Retail & Commercial                    | 4.5 : 1000 SF   | 3.61 : 1000 SF  | 2.89 : 1000 SF  |
| Office                                 | 2.75 : 1000 SF  | 2.75 : 1000 SF  | 2.75 : 1000 SF  |
| Theatre                                | The lesser number of spaces calculated under <u>Section 9.0851</u> , provided the minimum density standards in <u>Section 4.1232</u> are met. | The lesser number of spaces calculated under <u>Section 9.0851</u> , provided the minimum density standards in <u>Section 4.1232</u> are met. | The lesser number of spaces calculated under <u>Section 9.0851</u> , provided the minimum density standards in <u>Section 4.1232</u> are met. |

Under Type II procedures, the Manager may approve off-street parking in excess of the maximum allowed parking spaces specified in this section, in addition to spaces allowed pursuant to Section 9.0860(A) and (B), when the applicant can show that all the following criteria are met:

- (a) The proposed development is highly supportive of the intent of the Gresham Civic Neighborhood Plan, as appended to Volume 1 - Findings, of the Community Development Plan; and
- (b) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
- (c) The proposed development demonstrates that its design and intended uses will support high levels of both transit and pedestrian activity; and
- (d) The proposal complies with the minimum density standards of Section 4.1232.
- (e) The development incorporates special features beyond the minimum design standards of Sections 4.1235, 4.1236, 4.1237 and 4.1242. Special features will include at least one of the following: Covered exterior pedestrian arcades or public plazas with fountains/public art; ground floor retail uses, or mixed uses, or community services which especially promote high levels of pedestrian and transit activity; multiple story buildings; underground or structured parking.

#### **(B) Downtown Plan District**

Off-street parking facilities provided in connection with new development must be appropriate for the unique characteristics of the Downtown PD. This means that parking should be a clearly secondary use, designed so that it does not interfere with easy and safe pedestrian movement. By ensuring that parking lot sizes do not become excessive, and that appropriate landscaping is provided, the downtown area will be more attractive, and more conducive to creating a lively, prosperous district for the benefit of area residents, employees, and visitors.

##### **(1) Minimum Off-Street Parking**

Off-street parking is not required for new commercial development in the CUC, DT, DR-30, and DR-12 sub-districts. In the DC-1, and DC-2 sub-districts, minimum required parking for new commercial uses is 80% of the minimum number of spaces required in Table 9.0851. If required by the International Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. The minimum amount of off-street parking required in any sub-district of the Downtown PD may be reduced by up to 50%, as provided in Section 9.0853(E).

##### **(2) Maximum Off Street Parking**

Maximum off-street parking permitted for commercial uses shall be 125% of the amount of parking required in Table 9.0851 when such uses are part of a mixed-use development. Maximum parking permitted for commercial uses which are not part of a mixed-use development shall be 100% of the amount of parking required in Table 9.0851, except that when such uses exceed 90,000 square feet. of floor space the maximum parking permitted shall be 80% of the amount required. Additional off-street parking beyond these maximums may be permitted within the Downtown PD, as provided below:

Under Type II procedures, the Manager may approve off-street parking in excess of the maximum allowed parking spaces specified in this section when the applicant can show that all the following criteria are met:

- (a) The proposed development is highly supportive of the intent of the Gresham Downtown Plan, as contained in Volume 1 - Findings of the Community Development Plan; and
- (b) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
- (c) The proposed development demonstrates that its design and intended uses will support high levels of both transit and pedestrian activity; and
- (d) The site plan shall indicate where additional parking can be redeveloped to more intensive transit supportive use in the future; and
- (e) The development incorporates special features beyond the minimum design standards of Sections 4.1135, 4.1136, 4.1137 and 4.1142. Special features will include at least one of the following: Covered exterior pedestrian arcades or public plazas with fountains/public art; ground floor retail uses, or mixed uses, or community services which especially promote high levels of pedestrian and transit activity; multiple story buildings; underground or structured parking.

**(C) Downtown and Civic Neighborhood Plan Districts**

Surface parking lots exceeding minimum parking requirements in both Downtown and Civic Neighborhood Plan Districts shall be designed to allow for more intensive future site development.

**9.0853 Exceptions to Minimum Parking Space Standards (refer to Table 9.0851)**

- (A) Parking District Waiver. Minimum off-street parking spaces required by may be waived for properties within the boundaries of a public parking district that provides district-wide parking facilities.
- (B) Allowed Motor Vehicle Parking Reductions. A reduction of up to 10% of minimum off-street vehicle parking requirements is allowed as a right of development for all non-residential uses.
- (C) Reduction for Bike Parking. Off-street motor vehicle parking requirements for non-residential uses may be reduced by an additional 10% to the reductions allowed in Subsection (B) and/or (D) if replaced by bicycle parking above that required, at a rate of two bicycle spaces for one vehicle space.
- (D) Motor Vehicle Parking Reductions near LRT Stations. Minimum off-street vehicle parking requirements may be reduced by an additional 10% to the reduction permitted in Subsection (B) above in the Transit Development District; High Density Residential District-60; Transit Development District - Medium Density - Civic; Transit Development District -High Density - Civic; High - Density Residential - Civic; Moderate - Density Residential - Civic. The reduction in this section also applies to residential uses.
- (E) Additional Motor Vehicle and Bicycle Parking Reductions. The Manager may reduce the total required off-street vehicle and bicycle parking spaces by up to a total of 50% when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites (1) that use of transit, demand management programs, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum City parking requirements, and (2) a reduction in parking will not impact adjacent uses.
- (F) Motor Vehicle Parking Reductions for Existing Uses. Property owners of existing non-residential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards as provided below:



- (1) When expansion of floor area and/or redevelopment of the site necessitates or creates the opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in Subsections (B), (D) and (E) above.
- (2) Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:
  - (a) Additional landscaping;
  - (b) On-site pedestrian plazas, seating areas, shelters and/or walkways;
  - (c) Bicycle parking in addition to the number of parking spaces required. New bicycle parking shall conform to all design standards contained in Section 9.0830.

(G) In addition to other reductions of this section, parking requirements may be reduced under the modification of regulation provisions of Section 10.1521.

### **9.0854 Exceptions to Maximum Parking Space Standards**

- (A) If application of the maximum parking standard would result in less than 6 parking spaces for a development with less than 1,000 square feet of floor area, the development shall be allowed six parking spaces. If application of the maximum standards would result in less than 10 parking spaces for a development of 1,000 to 2,000 square feet of floor area, the development shall be allowed 10 parking spaces.
- (B) In the following land use districts, the Manager, under Type II procedures, may approve exceptions to the maximum parking space standards based on the criteria provided below:
  - (1) Station Center and Rockwood Town Center Districts.
    - (a) The proposed development is highly supportive of the intent of the Station Center District, Rockwood Town Center District, or Transit Street Designations stated in Sections 4.0500 and A5.501(G), if applicable, and
    - (b) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
    - (c) The proposed development demonstrates that its design and intended uses will support high levels of existing or planned transit and pedestrian activity; and
    - (d) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future; and
    - (e) The development incorporates special features beyond the minimum transit design features of Section 7.0210 (A) and (B). Special features will include at least one of the following: Covered exterior pedestrian arcades or public plazas with fountain/public art; ground floor retail uses, or mixed uses, or community services which especially promote high levels of pedestrian and transit activity; multiple story buildings; underground or structured parking.
  - (2) Civic Neighborhood and Downtown Plan Districts.
    - (a) For exceptions to maximum parking spaces in the Downtown Plan Districts refer to Section 9.0852(B).
    - (b) For exceptions to maximum parking spaces in the Civic Neighborhood Plan District refer to Section 9.0852(A).

(3) All Other Districts.

- (a) The proposed development has unique or unusual characteristics (such as high sales volume per floor area or low parking turnover) which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses;
- (b) The parking demand cannot be accommodated by shared or joint parking or by increasing the supply of spaces that are exempt from the maximum ratio (Section 9.0851).
- (c) The request is the minimum necessary variation from the standard.

**9.0855 Joint Vehicle Parking Lot**

Required motor vehicle parking for two or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility, to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlap (e.g., uses primarily of a daytime versus a nighttime, or weekday versus weekend nature) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument upholding such joint use. In this situation, the size of the joint parking shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per Table 9.0851. Applicants taking advantage of this provision are not eligible for reductions under Section 9.0853 (B), (C), (D), and (E).

**9.0856 Parking in Mixed-Use Projects**

In mixed-use projects, (except in the Station Center District, Rockwood Town Center District, Downtown Plan District, and Civic Neighborhood Plan District) required motor vehicle parking may be determined using the following formula. Mixed-use projects using this formula are not eligible for further reductions under Section 9.0853(B) but may take advantage of reductions under Section 9.0853(C), (D) and (E). For the purposes of this section, "mixed-use" projects can include any mix of residential, office, retail, entertainment and/or light industrial uses:

- (A) Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use.
- (B) Secondary use, i.e., that with the second largest proportion of total floor area within the development, at 90% of the vehicle parking required for that use.
- (C) Subsequent use or uses, at 80% of the vehicle parking required for that use(s).

**9.0857 Required Carpool and Vanpool Parking**

Industrial and commercial development with 50 or more employees on any single shift, shall designate at least 10%, but not fewer than two, of the long term (4 hours or more) employee or student parking spaces for carpool/vanpool parking. These designated spaces shall be located closer to the building entrances than other employee or student parking with the exception of disabled-accessible and short-term (less than 4 hours) visitor parking. These spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" and include hours of use, per the Manual of Uniform Traffic Control Devices.

This section also applies to the following Community Service uses: schools, government offices and operational facilities; hospitals and clinics; retirement homes and nursing homes with 50 or more employees on any single shift; and transit park and ride facilities with 50 or more parking spaces.

**9.0858 Fleet Motor Vehicle Parking**

Required vehicle parking spaces required may not be used for storage of fleet vehicle, except when the applicant can show that employee and fleet parking spaces are used interchangeably. For the purposes of this code, space devoted to the parking/ storage of fleet vehicles will be considered as outdoor storage, and will not affect required or maximum parking.

## **Other Public Parking**

### **9.0860 Interim Parking**

(A) In Dedicated Rights-of-Way. Buildings and projects shall provide sidewalk and street improvements to meet City development standards in the dedicated public right-of-way along all the frontages of sites, as provided in Section A5.400. Where construction of a half-street is required by the Manager in the Civic Neighborhood PD, it shall be designed with a minimum width of 32 feet of roadway, utilities, sidewalks, street trees, street lighting and street furnishings. Typically, a half street improvement would comprise a 12 feet sidewalk plus 20 feet of street pavement, leaving 28 feet width of unimproved right-of-way available for interim parking use. The remaining, unimproved portion of street right-of-way may be used on an interim basis for off-street parking, provided that the frontage abutting the unimproved portion of the half-street is not occupied by any buildings, and is under a single ownership for the length of the half-street. Any such interim parking area must be designed and improved in conformance with Section 4.1237. Land area within public street right-of-way shall not be counted in minimum and maximum parking or Floor Area Ratio calculations. Where construction of a half-street is not required by the Manager in the Civic Neighborhood Plan District, the full street right-of-way may be used on an interim basis for off-street parking subject to the same conditions noted above.

(B) Blocks within Civic Neighborhood. A development in the Civic Neighborhood Plan District may occupy an entire block with parking, on an interim basis, when such parking serves a development located across an abutting street, and provided minimum floor area ratio standards are met. Where a multi-block development includes a block or blocks with frontage on a primary pedestrian street, and a block or blocks without frontage on a primary pedestrian street, any block with frontage on a primary pedestrian street shall not be occupied entirely by parking.

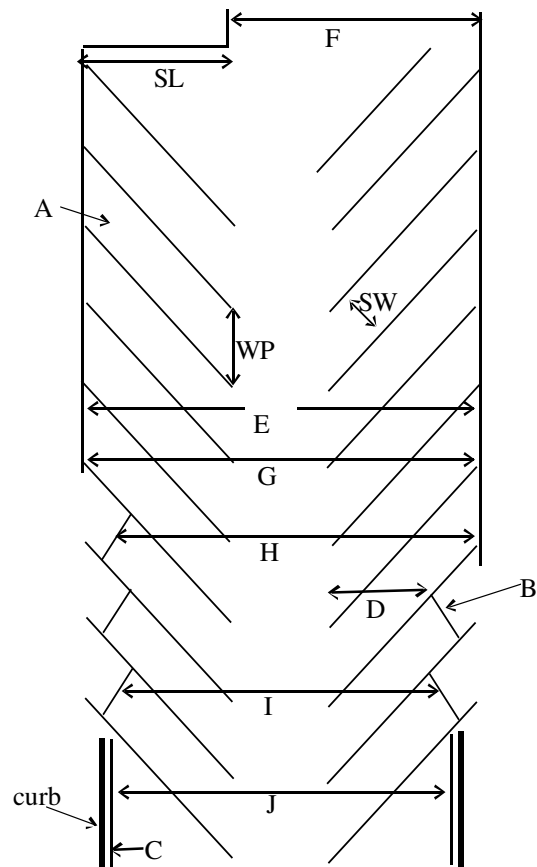
### **9.0861 Parking Structures**

- (A) Ground Floor Use. For all new multi-level parking structures, at least 50% of the total ground floor street frontage excluding driveway entrances and exits, stairwells, elevators, and centralized payment booths shall be designed to accommodate commercial, retail, office or residential floor space.
- (B) Ground Floor Windows. All parking structures shall provide ground floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas that equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above finished floor wall up to a maximum sill height of 6 feet above grade.
- (C) Landscaping, Buffering, and Setbacks. Requirements are determined by Community Plan Map Designations and Section 9.0100.
- (D) Site Design Review. All parking structures are subject to Type II Site Design Review.
- (E) Other Standards. Parking structures must comply with all standards of the International Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting, and fire/safety requirements and disabled accessibility.
- (F) Parking Layout and Internal Circulation. The configuration of parking within a parking structure shall be subject to the requirements contained in Table 9.0861, except as described here: A modified Layout and Internal Circulation under Type II procedure may be approved by the Manager when it can be shown that 1) a structure meets design guidelines of the Urban Land Institute Dimension of Parking, current edition, or 2) a similar structure functions efficiently using the proposed modified layout, circulation and dimensions.

**Table 9.0861 - Parking Structure Matrix**

| <b>PARKING STRUCTURE MATRIX</b>             |                     |          |                    |       |               |       |       |       |       |
|---|---------------------|----------|--------------------|-------|---------------|-------|-------|-------|-------|
| Required Space and Aisle Dimensions in Feet |                     |          |                    |       |               |       |       |       |       |
| <b>COMPACT</b>                              |                     |          |                    |       |               |       |       |       |       |
| Angle                                       | Interlock Reduction | Overhang | Vehicle Projection | Width | Module Widths |       |       |       |       |
| A   | B                   | C        | D                  | E     | F             | G     | H     | I     | J     |
| 45°   | 2.00                | 1.41     | 15.25              | 11.50 | 26.75         | 42.00 | 40.00 | 38.00 | 39.16 |
| 60°   | 1.41                | 1.75     | 16.08              | 13.33 | 29.66         | 46.00 | 44.58 | 43.16 | 42.50 |
| 75°   | 0.75                | 1.91     | 16.50              | 16.00 | 32.50         | 49.00 | 48.25 | 47.50 | 45.16 |
| 90°   | 0.00                | 2.00     | 15.50              | 20.00 | 35.50         | 51.00 | 51.00 | 51.00 | 47.00 |
| <b>STANDARD</b>                             |                     |          |                    |       |               |       |       |       |       |
| Angle                                       | Interlock Reduction | Overhang | Vehicle Projection | Width | Module Widths |       |       |       |       |
| A   | B                   | C        | D                  | E     | F             | G     | H     | I     | J     |
| 45°   | 2.40                | 2.08     | 18.00              | 13.00 | 31.00         | 49.00 | 46.66 | 46.33 | 44.83 |
| 60°   | 1.66                | 2.58     | 19.50              | 16.00 | 35.50         | 55.00 | 51.33 | 51.66 | 49.16 |
| 75°   | 0.83                | 2.91     | 19.75              | 20.00 | 39.75         | 59.50 | 58.66 | 57.83 | 53.66 |
| 90°   | 0.00                | 3.00     | 18.66              | 24.66 | 43.33         | 62.00 | 62.00 | 62.00 | 56.00 |

- A Parking Angle
- B Interlock reduction
- C Overhang clearance
- D Projected vehicle length measured perpendicular to aisle
- E Aisle width
- F Parking module width (wall to wall), single-loaded aisle
- G Parking module width (wall to wall), double-loaded aisle
- H Parking module width (wall to interlock), double loaded aisle
- I Parking module width (interlock to interlock), double loaded aisle
- J Parking module width (curb to curb), double loaded aisle
- SL Stall length
- SW Stall width
- WP Stall width parallel to aisle



### **9.0862 Commercial Parking Facilities**

- (A) In the Downtown PD, off-street parking facilities should generally be secondary uses, designed so that they do not interfere with easy and safe pedestrian movement or discourage transit usage. However, there may be instances where off-street parking provided in connection with individual development projects and in public parking facilities is inadequate to meet the demand for parking in the vicinity. It is the purpose of this section to allow for development of commercial parking facilities to address documented demand for off-street parking, in ways which do not conflict with the objectives of creating a lively, prosperous, and pedestrian-friendly downtown area.
- (B) Criteria for Commercial Parking Facilities:

A commercial parking facility may be permitted within the Downtown PD as a community service use. Commercial parking facilities shall be exempt from the standards of Section 4.1137. In addition to meeting other applicable standards and requirements, an applicant for a proposed commercial parking facility within the Downtown PD shall provide findings to satisfy the following criteria:

- (1) An inventory of existing on-street and off-street parking, and an analysis of demand for additional off-street parking in the vicinity indicate an unmet demand for additional off-street parking; and
- (2) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking involving adjacent or nearby uses; and
- (3) The commercial parking facility will not conflict directly with the purposes of the Downtown PD and the Gresham Downtown Plan (Volume 1 - Findings), particularly the purposes of supporting high levels of transit usage and pedestrian activity.

### **9.0863 MAX Park-and-Ride**

Park-and-ride facilities serving MAX stations shall be subject to the following requirements:

- (A) New surface park-and-ride facilities shall not exceed 50 spaces on a contiguous site.
- (B) New park-and-ride facilities which exceed 50 spaces on a contiguous site shall be contained within a multi-story structure.
- (C) Expansion of surface park-and-ride facilities outside of the site as it existed on the effective date of this subsections is not allowed except within a multi-story structure. Existing surface park-and-ride facilities may be maintained, redeveloped, or re-striped. Redevelopment of existing surface park-and-ride sites for structured parking shall be encouraged, in accordance with standards of Section 9.0861.

### **9.0864 On-Street Parking**

Refer to Section A5.501 for on-street parking requirements.

### **9.0865 Minor Access Street Parking Spaces**

Development proposals that include the creation of a minor access street must provide 3 to 4 public parking spaces as per Section A5.501(F). These spaces shall meet the standard parking space and maneuvering dimensions of Figure 9.0825A, but are exempt from the parking lot landscaping design requirements of Section 9.0800.

## **Off-Street Parking for Private Residences**

### **9.0870 Off-street Parking and Driveways for Detached Dwellings, Manufactured Homes, Single Family Attached Dwellings and Two-unit Attached Dwellings**

- (A) Two off-street parking spaces per dwelling unit are required. Each parking space shall be at least 8.5 feet wide by 18 feet deep. One additional off-street parking space is required for each residential unit that accesses a local lane or minor access street, except when a development is within a quarter mile of a light rail station.
- (B) Tandem (end-to-end) parking is allowed to meet the minimum off-street parking requirements.
- (C) Two required parking spaces per unit may be located in a driveway, in the front or street side yard setback, or in the rear yard setback when there is an alley.
- (D) Driveways and driveway approaches shall be paved. A compacted gravel surface driveway may be allowed only under the following circumstances:
  - (1) The driveway is in all or part to be located within a Hillside Physical Constraint, Flood Plain, or Habitat Conservation Area Overlay District, and
  - (2) No more than three residences are served, and/or
  - (3) Where trees of a regulated size can be saved, and/or
  - (4) The residence(s) to be served are at least 50 feet from the paved public street accessed, and
  - (5) The first 20 feet from the improved public street must be paved with hard surface material.
- (E) The minimum driveway width is 10 feet. This may be increased for public safety purposes.
- (F) Driveways/Driveway Approach Width/Grade: See Section A5.503 - Driveways.
- (G) Curb cuts shall meet all of the requirements contained in Section A5.400.

### **9.0871 Recreational Vehicle Parking in Low Density Residential Districts**

As defined by Section 3.0010 of the Community Development Code a recreational vehicle parked on a residential lot within the LDR-5, LDR-7 or TR Districts shall meet the following requirements:

- (A) The recreational vehicle shall be parked on a hard surface such as compacted gravel, concrete, asphalt, or similar durable material.
- (B) If parked on a corner lot the clear vision area parking restriction applies (refer to Section 9.0200).

## **Section 9.0900 Projections**

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### General

#### 9.0901 Projections Into Required Yards And Above The Maximum Building Height

### General

#### **9.0901 Projections Into Required Yards And Above The Maximum Building Height**

(A) Projections into Required Yards. The following structures may project into the required yard:

- (1) Paved terraces may project into required front, side or rear yards provided that no structures thereon shall violate other requirements of this Ordinance,
- (2) Unroofed landings and stairs may project into required front and rear yards only;
- (3) Window sills, belt courses, bay windows, eaves and similar incidental architectural features may project no more than two feet into any required yard when not in violation of the Uniform Building Code;
- (4) Eaves may project 1 foot over a side yard utility easement if there is no violation of the Uniform Building Code.
- (5) Open fire escapes shall not project more than 4.5 feet into any required yard; and,
- (6) Chimneys shall not project more than 30 inches into any required yard.
- (7) Solar energy collecting structures when attached to a single-family detached residence, or a duplex residence, or a mobile home in a mobile home subdivision may project into required front and rear yards as provided below when such structures meet the criteria of Appendix 8.000.
  - (a) Front Yard Setback - The front yard minimum setback may be reduced to 16 feet as measured from the front property line. Existing off-street parking spaces as required by Section 9.0800 shall be maintained to minimum dimensions.
  - (b) Rear Yard Setback - The rear yard minimum setback may be reduced to 9 feet as measured from the rear property line; except that an attached solar collecting structure which occupies over 50% of the horizontal linear dimension of the building's rear elevation shall maintain a minimum setback of 13 feet.

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

- (1) Solar collector equipment;
- (2) Wind generators for the private generation of energy;
- (3) Antennas,
- (4) Spires or Turrets;
- (5) Elevator equipment and stair enclosures, on flat roofs only;
- (6) Heating, ventilation and air conditioning equipment enclosures, on flat roofs only;
- (7) Roof gardens, courtyards and ancillary structures, not to exceed 10 feet in height, on flat roofs only.

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

- (1) Yard Accessories;
- (2) Religious Symbols.



## **Section 9.1000 Tree Regulations**

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### General

9.1001 Purpose

### Tree Removal/Replacement/Protection

9.1010 Tree Removal/Replacement/Protection – General Provisions

9.1011 Data Requirement for Tree Removal/Tree Protection Plan

9.1012 Criteria for Removal of Regulated Trees

9.1013 Review of Development on a Site with a Significant Tree or Trees

9.1014 Design Adjustments for Tree Protection

9.1015 Tree Protection During Construction

### Street Trees

9.1020 Street Trees

9.1021 Spacing and Location Requirements for Street Trees

9.1022 Criteria for Master Street Tree Plans

### Tree Pruning

9.1030 Pruning of Street Trees and Other Public Trees

9.1031 Pruning of Significant Trees

### Protection and Penalties

9.1040 Civil Penalties

## **General**

### **9.1001 Purpose**

The City of Gresham benefits from a large number of trees consisting both of natural growth and those planted throughout the years. The retention of trees and wooded areas, and the establishment of street trees, adds to the livability of the community by enhancing its aesthetic beauty, minimizing surface water and groundwater run-off and diversion, filtering noise and air pollution, and promoting soil stability. Because uncontrolled cutting or destruction of trees within the city decreases the community's livability, it is in the public interest to preserve significant trees, to control the cutting of trees, and to protect trees from damage.

## **Tree Removal/Replacement/Protection**

### **9.1010 Tree Removal/Replacement/Protection – General Provisions**

- (A) Purpose/Applicability: It is the intent of this section to provide for the safe, orderly removal, moving, and replacement of trees on developed sites and to provide for good stewardship of woodland and forest resources. All land within the City of Gresham is subject to the Tree Removal regulations of Section 9.1010-9.1012, except where superseded by the provisions of Section 9.1030 et.seq. regarding Significant Trees.

- (B) Removal of Regulated Trees: Removal of Regulated Trees as defined in Section 3.0010 shall be reviewed under Type II procedures for compliance with the standards of Sections 9.1010-9.1012, except as allowed per year under the provisions of Subsection 9.1010(B)(1); except for all trees within 10 feet of the footprint of a proposed single-family dwelling, addition, or improvement (for which the building permit serves as the tree removal permit under Subsection 9.1010(B)(2) regardless of overlay district); except for Street Trees, Buffer Trees, and Parking Lot Trees of any size under Subsections 9.1010(B), (C), and (E); except as provided for those trees identified as Significant Trees and/or Groves in Section 9.1014 and Appendix 14, Significant Trees; and except as noted in Subsection 9.1010(E) relating to ornamental trees of regulated size on developed lots in Special Purpose Districts.
- (1) Except for tree removal requiring a Type I permit under Section 9.1010(C), no Development Permit is required for removal of up to 3 regulated trees per 12-month period on commonly owned contiguous parcels of land less than 35,000 square feet in area or up to 6 regulated trees per 12-month period on commonly owned contiguous parcels greater than 35,000 square feet.
  - (2) Regulated trees located within 10 feet of the outer edge of the outline of a proposed single family residence or related site improvements may be removed without a separate or additional development permit after issuance of the building permit for the proposed residence. When additional trees are to be protected on the site outside the building envelope, a tree protection plan as approved by the City shall accompany the building plans and shall be enforced during all construction activities on the site. Mitigation in accordance with an approved mitigation plan for lost perimeter trees shall be completed or guaranteed prior to Final Inspection.
- (C) Removal/Replacement of Street Trees/Buffer Trees/Parking Lot Trees: On a developed property, removal of any existing street tree, parking lot tree, or buffer tree as defined in Section 3.0010 shall require prior City approval through a Type I procedure.
- (1) Street trees shall be replaced with a variety and in a location as approved by the Manager and at spacing intervals as required by Section 9.1021.
  - (2) Buffer trees and parking lot trees shall be replaced in accordance with the originally approved plan (or as determined by the Manager).
  - (3) On properties developed with other than a single family residential use, street trees, parking lot trees and/or buffer trees shall be replaced with trees of equal caliper to the size at the time of removal up to a maximum of six inch caliper trees, or as determined by the Manager.
  - (4) Street trees to be replaced along the frontage of an existing single family home shall have a minimum caliper of 1-3/4 inches and shall be of a variety provided for in the Public Works Standards.
  - (5) In the event of unauthorized street tree removal, including those trees along the frontage of a single family home, the Manager may require replacement with trees of comparable value and size (up to 6-inch caliper) in addition to any other penalties.
  - (6) Street trees that are destroyed or significantly damaged by accident shall be replaced in accordance with this section.
  - (7) The City of Gresham is exempt from the permit requirement when it performs maintenance of street trees in the public rights of way, but is otherwise subject to these regulations.
- (D) Removal of Significant Trees: Removal of Significant trees as defined in Section 3.0010 shall be through the Type III process, as regulated by Sections 9.1013 and Appendix 14, except as allowed under Section 9.1014(C) in association with development near a Significant Grove and under

Section A14.006 for removal of an imminent hazard. When a tree or trees identified as part of a Significant Grove are approved for removal in association with development, an equal number of a similar species, at least 2 inches in caliper, shall be planted as replacements and shall automatically be included in the Significant Grove, so as to help mitigate the loss and ensure perpetuation of the Grove for the future generations. An alternative mitigation plan may be proposed under the Type II procedure for the loss of trees in a Significant Grove allowed under Section 9.1014(C) due to development. The alternative plan may allow for off-site mitigation but shall also clearly demonstrate an intent to retain and enhance the Significant Grove over time.

- (E) Tree Removal in Overlay Districts: Except as provided below, no removal of regulated trees shall be permitted within a Hillside Physical Constraint, Flood Plain, or Habitat Conservation Area Overlay District without a Type II Development Permit.
  - (1) Up to three ornamental trees of regulated size, associated with landscaping on a lot developed with a single-family home within an Overlay District, may be removed per 12-month period under the Type I Tree Removal Permit Procedure, with documentation of the removal date and mitigation of the removal in accordance with a revegetation plan prepared at the expense of the applicant and approved by the Manager.
  - (2) Street Trees and Parking Lot Trees on a developed lot in an Overlay District may be cut in addition to the three per 12-month period on the remainder of the site and/or abutting right of way, but are subject to Street Tree and Parking Lot Tree replacement requirements of Sections 9.1010(B), (C), and Sections 9.1020-9.1022.
  - (3) Removal of a Significant Tree or Significant Trees in an Overlay District is subject to the Significant Tree procedures and standards of Sections 9.1010(D), 9.1013-9.1015, and Appendix 14, Sections A14.004 and A14.006.
- (F) Tree Removal on Steep Slopes: All tree removal that would result in clear cutting on slopes in excess of 15% is prohibited.
- (G) Tree Removal on Vacant Platted Land: Vacant platted subdivision lot or partition parcel in a residential district, a lot of record with more than twice the required minimum lot area, and unimproved land within a property in its natural state before development are considered undeveloped for purposes of Tree Removal and subject to the Tree Removal regulations of Section 9.1010-9.1012.
- (H) Verification of Tree Removal Permit or Exemption: Prior to obtaining a grading permit and prior to performing any grading, ground breaking, grubbing, tree removal, or clearing activity on a development site, the owner, applicant, or representative shall obtain a tree removal permit or written verification from the Manager that no tree removal permit is required. A copy of the permit or exemption shall be kept at the site during all hours of work at the site.

### **9.1011 Data Requirements for Tree Removal/Tree Protection Plan**

An applicant for a development permit for tree removal shall provide a detailed tree removal/tree protection plan. If tree health is proposed as a reason for tree removal, the removal plan shall be prepared by a qualified arborist. The plan shall include the following basic information:

- (A) A tree survey of regulated and/or significant trees on the site. A cluster of trees standing in close proximity (three to five foot spacing or closer) may be designated as a “stand” of trees, in which case, the predominant species estimated, number and average size must be indicated.
- (B) A tree survey of all trees on adjacent property with a DBH of 8 inches or greater that are located within 6 feet of the property line.

- (C) The credentials of the person preparing the plan.
- (D) If tree health is proposed as a reason for removal, a narrative evaluating the health of each regulated tree and/or stand, with recommendations for removal or preservation. The narrative shall indicate the proposed method of identifying trees to be preserved, such as painting, flagging, etc. and, where protective barriers are necessary, shall indicate that the barriers shall be erected before work starts.
- (E) Recommendations for tree removal procedures, tree protection, and mitigation of negative impacts. The arborist's report and recommendations (if required) should address all stages of development from pre-construction through the post construction therapeutic measures.
- (F) For Tree Removal proposed in a Special Purpose Overlay District, a consulting arborist may be required to verify the need for the tree removal. The tree removal permit request shall comply with applicable provisions of the Special Purpose Overlay District.
- (G) A report or plan may be required from a qualified arborist if information provided by the applicant is, in the interpretation of the Manager, not adequate to address those data requirements or the criteria of Section 9.1012.

### **9.1012 Criteria for Removal of Regulated Trees**

- (A) Except for tree removal on a fully developed single-family residential lot (i.e., the lot has a dwelling and is not capable of further division) and except as superseded by the provisions of Section 9.1010, removal of Regulated Trees is subject to the following criteria, conditions, and limitations:
  - (1) Trees shall be retained along natural drainageways and water areas to preserve riparian habitats and to minimize erosion. A mitigation plan shall accompany any tree removal or grading plan proposed along a natural drainage way.
  - (2) Trees shall be retained along property lines to serve as buffers to adjacent property. When perimeter trees are in poor health and would become a hazard after development, they may be removed, subject to approval by the City of a mitigation plan. Lost perimeter trees shall generally be replaced with a minimum 1 ¾ -inch caliper trees that are a minimum of 10 feet high at the time of planting. Where buffering and screening is required under Section 9.0100 or where perimeter trees that meet the definition of "major tree" in Section 3.0010 are lost to development (including but not limited to clear cutting as defined in Section 3.0010), replacement perimeter trees may be required beyond the basic 1-3/4 inch caliper standard, up to a maximum of 6-inch caliper trees, as determined by the Manager under the Type II procedure.
  - (3) Conifers shall be retained in sufficiently large areas and in dense stands to ensure against windthrow; and
  - (4) The Manager may require a proposed structure, to be relocated to retain trees, if the relocation can be accomplished within the required setbacks and without increasing costs to the proposed development by more than two percent of the total improvement value, excluding land cost.
  - (5) Any required mitigation shall be guaranteed prior to issuance of a grading permit for any portion of the site.
  - (6) The Manager may require a mitigation plan or windthrow assessment to be provided by a qualified arborist or a certified landscape architect.

- (B) Trees may be removed when they cannot be maintained because of their health, in which case the City may request verification by an independent consulting arborist, at the property owner's expense, to confirm the health of the trees.
- (C) Trees may be removed when the tree removal is necessary to accomplish a public purpose, such as the installation of public facilities and utilities in the right-of-way or public utility easement, or for construction of a public street, public trail, public park or public urban plaza. Perimeter trees that are removed under this section shall be replaced in accordance with the provisions of Section 9.1012 (A) (2).
- (D) When the tree removal proposed is clear cutting, as defined in Section 3.0010, of the Community Development Code, such clear cutting shall be allowed only with the following additional conditions:
  - (1) Landscaping shall be required to mitigate the loss of existing vegetation; and
  - (2) Clear cutting shall not begin until after the applicant has obtained all development permits including any building permits, final plat approval, and/or any other applicable permits necessary to assure completion of the proposed development, and after the applicant has filed with the City a financial guarantee for landscape mitigation based on an approved plan. Erosion control measures as required under Section 9.0514 and the Uniform Building Code shall be implemented on the site prior to the commencement of any clear cutting.
- (E) Regulated Trees identified as an imminent hazard may be removed as an emergency measure for the immediate safety of persons or protection of property if it is demonstrated that moving of the potential target and pruning or other horticultural measures are not determined adequate for safety (see Tree, Imminent Hazard). An application for a development permit that includes photographic evidence and other documentation of the emergency (e.g., signature of Fire Marshal, Public Works Director, or Police Officer brought to the site of the emergency or documentation by a Consulting Arborist [see Arborist, Consulting]) shall be filed within 10 working days of the emergency removal of a Regulated Tree as defined in Section 3.0010 if the action otherwise would require a development permit (including a Type I Tree Removal Permit) but for the emergency.
- (F) Preservation and conservation of healthy wooded areas, trees, similar woody vegetation, wildlife habitat, and related natural resources is encouraged when there are feasible and prudent location alternatives on the site for proposed building structures.
- (G) Relocation of healthy trees with a DBH of 8 inches or less is encouraged over removal.

**9.1013 Review of Development on a Site with a Significant Tree or Trees**

- (A) When development is proposed for property that abuts the dripline of a Significant Tree or Trees or contains a Significant Tree or Trees, the property owner shall provide a tree preservation plan prepared by a consulting arborist as defined in Section 3.0010 that demonstrates how the Significant Tree or Trees will be preserved. The Significant Tree or Trees abutting the site shall be preserved and protected during all development activities, including preliminary grubbing and clearing.

A conservation easement shall be imposed on the site of the development to ensure on-going protection of a Significant Tree on an abutting property that overhangs a development site. The conservation easement shall be located at the dripline in a radius from the tree at the rate of one foot of horizontal distance from the tree for each one inch of diameter of the tree unless a

registered consulting arborist determines that the tree can be protected adequately with less distance.

- (B) Individual Significant Trees on the site shall be preserved unless it is determined under the Type III procedure that the tree may be removed based on the criteria for tree removal found in Appendix 14, Section A14.004.
- (C) A preservation plan for a Significant Tree or Trees shall, at a minimum, meet the standards of Sections 9.1011 and 9.1015, and shall, in addition, be supplemented by the following:
  - (1) A site plan indicating the surveyed location of the Significant Trees.
  - (2) A narrative statement outlining the reasons any of the Significant Trees should be removed based on the removal criteria found in Section A14.004.
  - (3) The methods to be used to preserve the Significant Tree.
  - (4) A mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site would not change as a result of development.

#### **9.1014 Design Adjustments for Tree Protection**

- (A) The Manager, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Significant Tree or Trees. The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with other conditions placed on the property.
- (B) The Manager, pursuant to a Type II procedure, may grant a five percent reduction to the lot size and a ten percent reduction to the lot width and lot depth standards in approving a subdivision or partition if necessary to retain a Significant Tree or Trees.
- (C) The Manager, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a Significant Grove of trees if preserving those trees would:
  - (1) cause the loss of ten percent or more of the total number of allowed lots or units, or
  - (2) cause an increase of five percent or more in the cost of installing on-site utilities.
- (D) The Manager, pursuant to a Type II procedure, may allow other adjustments meeting the criteria of Section 10.1521 (Modification of Regulations) in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

#### **9.1015 Tree Protection During Construction**

- (A) No trees designated for protection or conservation shall be removed without prior written approval from the City of Gresham Planning Division.
- (B) Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
  - (1) Prior to any grubbing, clearing, grading, parking, preparation or storage of materials or machinery, or other construction activity on the site, all trees to be protected on the project site and adjacent to the site shall be clearly identified and temporary fencing shall be installed at the perimeter of the dripline.

- (2) To assure that there is no soil compaction or removal of vegetation or tree branches within the dripline, protective fencing is required around the dripline of trees designated for retention. Protective fencing shall be of a material that cannot easily be moved, removed, or broken during construction activities. Chain link fencing a minimum of 4 feet in height is preferred. An alternative dripline fencing material secured by metal posts staked at no more than 4 feet on center around the dripline of the tree or grove may be used with the approval of the Manager.
  - (3) No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.
  - (4) Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited.
  - (5) The City may require that a Consulting Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
- (C) Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

## Street Trees

### **9.1020 Street Trees**

- (A) Street trees in the public right-of-way or within the yard setback and/or buffer area immediately adjacent to the right-of-way will be required of all new developments and for alterations to all existing developments requiring a building permit for remodel, addition, or tenant improvement.
- (B) Street trees for all development shall be a minimum of 1-3/4 inch caliper. Street trees located within an intersection clear vision area shall be a minimum of 2 inch caliper and a minimum 6 feet head height at time of planting. Newly planted trees shall be securely staked for the first two years after planting and shall be replaced if they die or are destroyed.
- (C) The particular variety of street tree to be planted will be reviewed and approved as part of overall project submittals.
- (D) A Guarantee of Completion equal to 110% of the estimate cost of purchasing and installing street trees to assure installation prior to final building permit approval may be required at the time of original building permit issuance and/or at the time of building permit issuance for a remodel/tenant improvement associated with a change or upgrade to the site, or an expansion or change to an existing use.

### **9.1021 Spacing and Location Requirements for Street Trees**

- (A) Street trees shall be located at least 10 feet from street lights, 15 feet from stormwater catch basins, and 5 feet from driveway cuts or underground utilities.
- (B) No street trees shall be planted within 12 feet of the back of the crosswalk on the approach side of the street at street intersections or within 20 feet of the intersection of two arterial streets or light rail crossing area.

- (C) The number of street trees required along a street frontage shall comply with the average distances as shown in Table 9.1021A.

**Table 9.1021A Tree Spacing**

|   |   |
|---|---|
| Principal/ Arterial/ Boulevard <sup>3</sup>   | 30 feet   |
| Arterial <sup>3</sup>   | 30 feet   |
| Collector <sup>3</sup>  | R - 30 feet (2 min., 3 min. if corner lot)<br>C - 20 feet (2 min., 3 min. if corner lot)<br>I - 20 feet |
| Community Street <sup>3</sup>   | R - 30 feet (2 min., 3 min. if corner lot)<br>C - 20 feet (2 min., 3 min. if corner lot)<br>I - 20 feet |
| Local: Transitional <sup>1,3</sup>  | R - 30 feet (2 min., 3 min. if corner lot)<br>C - 20 feet (2 min., 3 min. if corner lot)<br>I - 20 feet |
| Local: Queuing Street/Lane Minor Access Street <sup>3</sup> , Cul-de-sac <sup>2,3</sup> | R - 30 feet (2 min., 3 min. if corner lot)  |

**Table Notes:**

- 1 Includes linear section of cul-de-sac.
- 2 Depends on length of frontage.
- 3 Or as required by an approved Street Tree Plan in a PD development or in a LDR-5, LDR-7, TLDR or TR District. For single family attached dwellings, there shall be a minimum of 1 tree per lot street frontage.

R = residential, C = commercial, I = industrial.

On streets where there is no tree lawn (planting strip) or where utility and/or driveway locations preclude placement of all required street trees within the right of way, street trees may be located within front and/or street side yard setback areas.

**9.1022 Criteria for Master Street Tree Plans**

- (A) A master street tree plan shall be submitted for approval with a tentative partition or subdivision plan, a PD plan, or site design review.
- (B) The master street tree plan shall be consistent with the following criteria:
- (1) Shall show an even distribution of the trees, which meets the average spacing requirements identified in Table 9.1021 for the type of use and street classification.
  - (2) Shall identify the required number of trees. (In no case shall street trees of smaller caliper spaced at closer intervals substitute for street trees of the required size.)
  - (3) May show minor variations in street tree spacing in order to accommodate curb cuts, utilities, street lights, and similar features. The location of such features shall be shown on the plan in relation to proposed trees.
  - (4) May locate street trees within required front or street side yards as necessary to meet the average spacing requirement.
  - (5) Shall identify the proposed variety of street tree (common and botanical name) and its proposed size at the time of planting. Street trees shall have the following characteristics:
    - (a) Capable of 25 feet in height and canopy spread at maturity.



- (b) Selected from a list of recommended street trees provided for in the Public Works Standards.
- (c) Street trees shall be of a variety that can be pruned as they mature or located in such a manner so as to assure a vertical clearance of 8 feet above sidewalks and 10 feet above the street grade.
- (6) Street trees shall also be provided where street abuts open space and natural areas.
- (7) A tree staking plan shall be included with the master tree spacing plan.
- (C) With approval of the Manager, an alternative variety of street tree may be substituted for the kind of tree shown on the approved street tree plan as long as the tree(s) satisfies Subsections (5)(a) through (c) above.

## **Tree Pruning**

### **9.1030 Pruning of Street Trees and other Public Trees**

- (A) Street trees shall be pruned in accordance with the most recent ANSI (American National Standards Institute) A300-1995 standards or other more recent standard arboricultural practices approved by the City. Major pruning (as identified in Section 3.0010) of any street tree of regulated size within the public right of way may be required by the Manager to be performed by a Certified Arborist.
- (B) Tree Topping as defined in Section 3.0010 is prohibited.

### **9.1031 Pruning of Significant Trees**

Significant Trees may not be pruned more than 20% of their limb structure, nor may the root system be disturbed by more than 10% in any 12-month period without a development permit. All pruning of a Significant Tree shall be performed by a Certified Arborist in accordance with ANSI (American National Standards Institute) A300-1995 standards or other more recent standard arboricultural practices approved by the City. See Section A14.004 for procedures and restrictions relating to pruning of Significant Trees.

## **Protection and Penalties**

### **9.1040 Civil Penalties**

- (A) In addition to the remedies established in Section 11.0601, the court may order that any trees cut in violation of Section 9.1000 or Appendix 14 may be confiscated by the City. The court may also order the violator, the violator's agent, and the property owner at the time of discovery of the violation to pay all costs associated with the confiscation.
- (B) In addition to the remedies established in Section 11.0601, any person who violates the requirements of Section 9.1000 shall be subject to a civil penalty based on up to three times the arboricultural value of the lost tree or trees, as determined by an independent consulting arborist, the

cost of the arborist review and report shall be paid to the City by the violator, the violator's agent, and the property owner at the time of discovery of the violation, along with any other developer of the site as additional amount to this penalty. The owner shall also replace the trees with like trees that equal the replacement value of the lost trees. The tree or trees shall be of the same variety as those lost, or, if appropriate, may be of a solar friendly variety as defined in the City's list of solar friendly trees.

- (C) Should the property owner or (if not the property owner) the violator, the violator's agent, or any other developer damage any tree that has been designated for protection, the violator, property owner and the developer shall all be penalized \$50 per each individual point of damage to the tree. If necessary, a report prepared by a consulting arborist at the developer's expense may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than \$50, the higher of the two values shall be used.
- (D) If a tree or trees are removed in violation of Section 9.1000 and/or Appendix 14 (e.g., no approved tree removal permit or written verification of exemption, major pruning of significant trees without a permit, or a violation of the conditions of approval of a tree removal permit), a stop work order for a period of up to 90 days may be issued by the City while appropriate mitigation and penalties are negotiated, during which time no grading or other construction activity may take place on the site.

## **Section 9.1100 Special Studies Or Reports**

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### General

9.1100 Special Studies Or Reports

### General

#### **9.1100 Special Studies Or Reports**

Special studies, investigations and reports may be required by the Manager to obtain information to ensure that the proposed development of a particular site does not adversely affect the surrounding area, nor create hazardous conditions for persons or improvements on the site, and meets the policies of the Community Development Code. These may include studies, investigation and reports on noise attenuation, air quality, traffic control, soil conditions, flooding of waters and excessive storm water run-off, tree preservation, hours of operation of business, comments from DOGAMI regarding geotechnical engineering reports for a development in the state-defined "Further Review Areas" (see Section 5.0202(E)), and other environmental concerns.

# Article X

## Supplementary Development Regulations

### Section 10.0100

#### Accessory Dwellings

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#### General

10.0101 Purpose

10.0102 Development Permit for an Accessory Dwelling

#### Submittal Requirements

10.0110 Submittal Requirements

#### Approval Criteria and Standards

10.0120 Approval Criteria

10.0121 Standards

#### General

##### **10.0101 Purpose**

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single-family dwelling. An accessory dwelling may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others; encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more energy-efficient use of large, older homes.

##### **10.0102 Development Permit for an Accessory Dwelling**

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

#### Submittal Requirements

##### **10.0110 Submittal Requirements**

In addition to the submittal requirements of Section 11.0211 of the Community Development Code, an applicant for an accessory dwelling development permit shall submit:

- (A) Ten copies of a proposed site plan, drawn to scale, showing all existing and proposed structure locations and sizes. Show distances to other structures and property lines. Show the location of all existing and proposed public facility connections, and existing easements.
- (B) Ten copies of a narrative covering each of the approval criteria pursuant to Section 10.0120.
- (C) Ten copies of the proposed accessory dwelling floor plan, drawn to scale. The floor plan shall show all proposed and existing rooms, room sizes and exterior egresses.

- (D) Ten copies of building elevation drawings for any proposed exterior addition indicating architectural style and features, exterior building materials and colors, and roofing form and materials.

## **Approval Criteria and Standards**

### **10.0120 Approval Criteria**

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

- (A) The proposed accessory dwelling is located either; within or added to a single-family dwelling; over a garage; or over a garage which is under construction. In the latter case, the Manager shall also find that the accessory dwelling will be occupied no sooner than the primary dwelling. No separate, free-standing units shall be permitted and the accessory dwelling must at least have a common wall, floor, or ceiling with the single-family dwelling or garage.
- (B) The exterior of the proposed accessory dwelling unit shall match the main residence in terms of finish materials, roof pitch, trim, and window proportion and orientation.
- (C) The application is consistent with Section 10.0121 of the Community Development Code.

### **10.0121 Standards**

- (A) Accessory dwellings shall be consistent with the applicable setback, height and lot coverage standards of the land use district.
- (B) An accessory dwelling shall have a maximum floor area of 900 square feet.
- (C) Shall not result in any new door entrance on an exterior wall facing a front yard property line.
- (D) One off-street parking space, in addition to that which is required by the Development Code for the primary dwelling unit, shall be provided, or as many spaces deemed necessary by the approval authority to accommodate the actual number of vehicles used by both the occupants of the primary dwelling and the accessory dwelling, whichever is greater. Parking spaces include garage, carports or other off-street areas reserved for vehicles. However, other than being located in a driveway in front of a garage or carport, parking shall not be located in a required yard or setback area.
- (E) A proposed accessory dwelling need not comply with Appendix 5.000 of the Community Development Code, except as required to serve the site of the proposed accessory dwelling.

## **Section 10.0200**

### **Residential Accessory Structures**

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#### General

#### 10.0201 Residential Accessory Structures

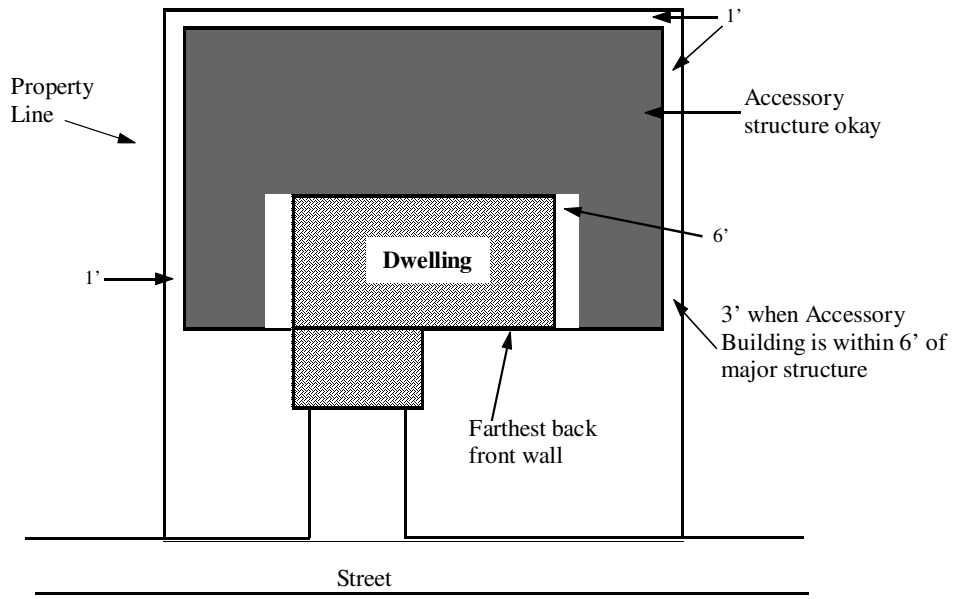
#### General

#### **10.0201 Residential Accessory Structures**

A detached accessory structure may be constructed or installed when in conformance with standards as listed below. More than one accessory structure may be placed or built on a site, however an accessory structure will not be permitted where it would result in total building coverage in excess of the maximum coverage specified for the district in which the property is located. In addition, conformance with buffering and screening and height transition standards shall be required where applicable.

- (A) An accessory structure with a floor area of 120 square feet or less and a maximum height of 10 feet may be placed up to one foot from a side or rear property line, provided:
- (1) If located within 5 feet of a side or rear property line, the structure must be moveable, e.g., built on skids or on a concrete slab with embedded pull loops (a structure will not be considered moveable if it is built on footings); and
  - (2) The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel; and
  - (3) If located within 6 feet of any other structure on the same lot there shall be a minimum distance of 3 feet between the accessory structure and the property line; and
  - (4) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
  - (5) On corner lots, an accessory structure shall not be placed between the principal building and the street-side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street-side lot line than the farthest back wall of the principal building facing that street-side lot line. (Figures 10.0201-A and 10.0201-A1 follow.)

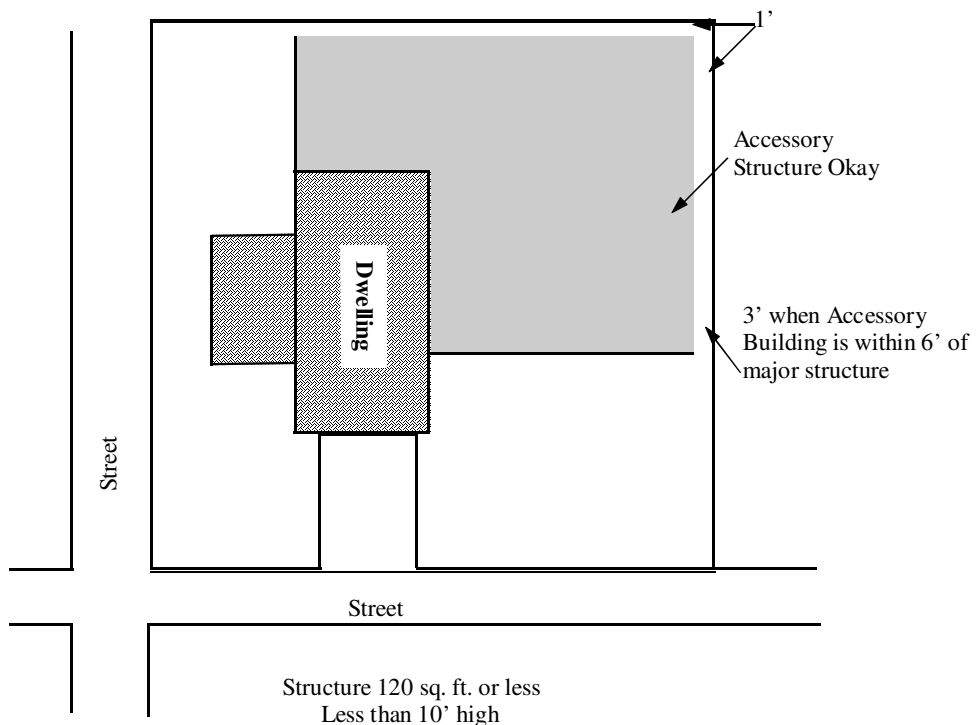
**Figure 10.0201-A**



Structure 120 sq. ft. or less  
Less than 10' high

Must meet conditions of the City of Gresham Development Code Standards, Section 4.0400. Structural Building Permit is not required.

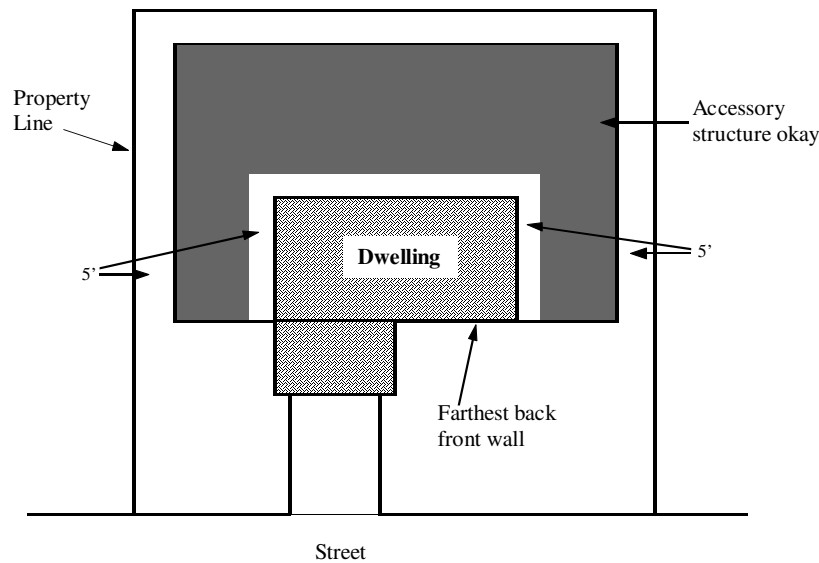
**Figure 10.0201-A1**



Structure 120 sq. ft. or less  
Less than 10' high

- (B) An accessory structure with a floor area greater than 120 square feet but less than 250 square feet, or a height greater than 10 feet, may be built, provided:
- (1) A minimum yard setback distance of at least 5 feet shall be maintained from side and rear property lines; and
  - (2) The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel; and
  - (3) The structure shall be separated from any other building on the same parcel by a distance of at least 5 feet; and
  - (4) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
  - (5) On corner lots, an accessory structure shall not be placed between the principal building and the street-side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street-side lot line than the farthest back wall of the principal building facing that street-side lot line.

**Figure 10.0201-B**



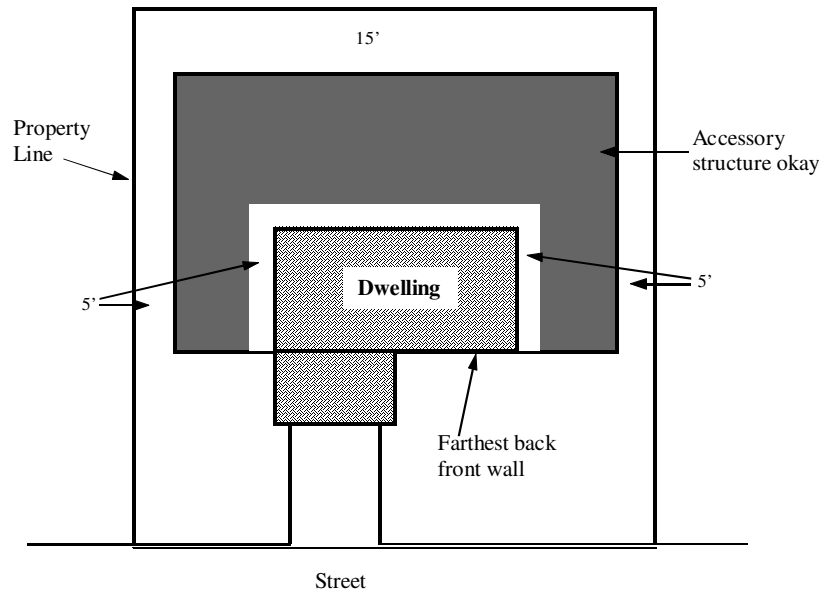
Structure 120 sq. ft. to 250 sq. ft.

- (C) An accessory structure with a floor area of 250 square feet to 1,000 square feet may be built, provided:
- (1) The structure shall conform with applicable yard setback standards as specified for the district in which the site is located; and
  - (2) The structure shall be separated from any other building on the same parcel by a distance of at least 5 feet; and
  - (3) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.



- (4) On corner lots, an accessory structure shall not be placed between the principal building and the street-side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street-side lot line than the farthest back wall of the principal building facing that street-side lot line.

**Figure 10.0201-C**



Structure 250 sq. ft. to 1,000 sq. ft.

- (D) An accessory structure with a floor area greater than 1,000 square feet may be permitted, provided:
- (1) The site on which the accessory structure is to be built is one acre or larger in size; and
  - (2) The structure shall conform with applicable yard setback standards as specified for the district in which the site is located; and
  - (3) The structure shall be separated from any other building on the same site by a distance of at least 5 feet.
- (E) In the LDR-5, LDR-7, TLDR or TR District an attached or detached covered patio or covered deck may be placed between 3 feet to 5 feet from any interior side or rear yard setback provided that:
- (1) The height of the patio or deck cover in the setback area is not greater than 12 feet above grade.
  - (2) The roof of the structure is constructed so that water runoff from the structure does not flow onto an abutting parcel.
  - (3) It does not encroach into the 6 foot maintenance easement area associated with zero lot line conditions.
- (F) A building permit is required for accessory structures allowed in sub-sections (B)-(E) above.
- (G) Commercial, Industrial, and other non-residentially related accessory structures shall be subject to standards as identified in the respective land use district where the structure is to be located, and, within Section 7.0200, as applicable.

## **Section 10.0300 Ancillary Dwellings**

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### General

#### 10.0301 Ancillary Dwellings

### General

#### **10.0301 Ancillary Dwellings**

(A) Purpose:

Ancillary dwellings provide a means of increasing residential densities in areas where single-family dwellings already exist. They also allow for a convenient and practical housing option for owners of existing single-family dwellings in neighborhoods where it is not yet economically feasible to redevelop the property to more intensive use. The size and placement of ancillary dwellings must be regulated in order to maintain compatibility with adjacent uses, and to prevent units of such size and value that they work to impede redevelopment and conversion of single-family residential properties to more intensive uses.

(B) Criteria for Ancillary Dwellings

A maximum of one ancillary dwelling per lot may be permitted when the Manager finds conformance, under the Type I Procedure, with the following criteria:

- (1) The ancillary dwelling will be located on the same lot as an existing single-family dwelling.
- (2) The floor area of the ancillary dwelling will not exceed 750 square feet.
- (3) Placement of the ancillary dwelling conforms with setback standards for accessory structures, as contained in Section 10.0100, except that the ancillary dwelling need not maintain a 5 foot separation from other structures where it is proposed to be attached to the principal dwelling, e.g. by a breezeway.
- (4) A proposed ancillary dwelling need not comply with Appendix 5.000 - Streets, et seq. of the Community Development Code, except as required to serve the site of the proposed ancillary dwelling.

## **Section 10.0400**

### **Conversions of Residential Units**

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#### General

10.0401 Conversion of Rental Units to Condominiums

#### Elderly Housing Conversion

10.0410 Application

10.0411 Conversion Criteria

### General

#### **10.0401 Conversion of Rental Units to Condominiums**

(A) A request to convert buildings currently occupied as rental units, as provided under Section 10.0401 of the Community Development Code, shall be reviewed under the Type II procedure.

(B) Review of Documents

The Manager shall review all documents required by ORS 94.550 to 94.785, ORS Chapter 100 and ORS Chapter 92, and the City's Community Development Code to determine compliance with all City of Gresham Development Codes and Comprehensive Plan Policies. When establishing compliance with the City of Gresham Plan Policies the following criteria must be met:

The City's ability to provide adequate housing opportunities for all City of Gresham residents must not be depleted beyond acceptable levels. For the purposes of establishing adequate housing opportunities within the City of Gresham, a Declarant must show that his proposed conversion will not eliminate a specific sector of the Gresham Housing Stock while not narrowing the rental market opportunities beyond a 3.0% vacancy rate within the City. (Seasonal variation must be taken into consideration when establishing vacancy rates).

(C) Criteria for Denial of Request to Convert to Unit Ownership

The City of Gresham Building Official shall not approve any request for condominium conversion that has not shown compliance with the provisions of ORS 94.550 to 94.785 and ORS Chapter 100 and the Gresham Development Code.

(D) Final Plat Required

The submittal for unit ownership shall include a final plat meeting the applicable requirements of Section 6.0400 of this document, and ORS Chapter 92.

(E) Public Improvements

Public improvements and street right-of-way widths must comply with the standards of Appendix 5.000.

(F) Prior to recording a declaration allowing condominium conversion, the County Recording Officer shall receive a written approval from the Manager establishing compliance of the conversion with all City of Gresham Development Codes.

## **Elderly Housing Conversion**

### **10.0410 Application**

An application for conversion of elderly housing that was approved as a Type III Community Service Use to a non-elderly housing use shall be made under the Type III procedure.

### **10.0411 Conversion Criteria**

- (A) Conversion under Section 10.0410 shall satisfy one of the following criteria:
- (1) The facility is remodeled so that the number of units in the facility does not exceed the number of units allowed for non-elderly housing in the land use district; or
  - (2) The land use designation of the property has been changed to or already is a designation which would allow the proposed number of units; or
  - (3) The proposed conversion is to a Community Service Use and an application is approved pursuant to Section 8.0100, of the Community Development Code; or
  - (4) The proposed conversion is to a permitted land use in the land use district and meets the applicable requirements of the Community Development Plan.
- (B) Conversion under Section 10.0410 shall be subject to Article VII, Site Design Review, of the Community Development Code.

## **Section 10.0500 Home Occupations**

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### Home Occupations

- 10.0501 Purpose
- 10.0502 Home Occupation General Requirements
- 10.0503 Home Occupation Considerations
- 10.0504 Home Occupation Review Exception Standards
- 10.0505 Performance Standards for a Home Occupation
- 10.0506 Home Occupation Prohibited Uses
- 10.0507 Home Occupation Time Limits and Renewal
- 10.0508 Home Occupation Enforcement and Revocation
- 10.0509 Variances to Standards
- 10.0510 Unsubstantiated Complaints

### **Home Occupations**

#### **10.0501 Purpose**

The purpose of this section is to:

- (A) Protect residential areas from adverse impacts created by home based business/commercial activities.
- (B) Provide the alternative to residents to use their dwelling and any associated living quarters as a place of business or commercial activity when such complies with the standards and purpose of this section.
- (C) Provide a process for reviewing home occupations so as to protect the rights of neighboring residents to the peaceful enjoyment of their neighborhood and dwellings.

#### **10.0502 Home Occupation General Requirements**

- (A) Home based business or commercial activities may be allowed as a home occupation subject to the requirements of this section.
- (B) An application for a home occupation shall be reviewed by the Manager under the Type II procedure of Section 11.0203, unless the home occupation meets the review exception standards of Section 10.0504, in which case the application process shall be under the Type I procedure of Section 11.0202. Application for the development permit shall be made by the person desiring to conduct the use, and, the owner or authorized representative of the property on forms provided by the City.
- (C) Besides meeting the requirements of this section, the business or commercial use of any home for a home occupation must be supported by an active City business license.

- (D) For the purposes of this section, “home” refers to the residential location, including single family dwelling, single family dwelling unit, single family accessory dwelling unit, apartment unit, condominium unit, and associated garage, of the home occupation.

In addition, a Home Occupation must cease its operation if the “permanent residents” do not reside in the dwelling for more than 30 consecutive days.

- (E) No home occupation permit is required in order to conduct short-term personal sales (such as a garage sale or the sale of an individual personal item such as a couch or bicycle) from a residence. The maximum duration of garage/yard type sales is three consecutive days and/or 10 days total in a calendar year.

No person shall carry on a home occupation without first obtaining a permit for such use in the manner provided by this section.

- (F) An application for a home occupation subject to a Type II review procedure shall include a narrative that provides the following information:
- (1) Whether the applicant’s business or commercial activity will be conducted entirely at the home or only partly at home.
  - (2) Whether the applicant’s use would be full-time or occasional and involve employees.
  - (3) Whether the customers of the home occupation come to the home to do business or not.
  - (4) Whether the home occupation requires any physical changes to the home that would not ordinarily be there if not for the presence of the business use.
  - (5) Whether the home occupation activity is similar to other in-home versus out-of-home businesses.
  - (6) Whether the home occupation activity is similar to non-commercial activities that routinely take place at home so as to ensure minimal to no impacts on the surrounding neighborhood.
  - (7) A statement from the applicant that the applicant has or has not reviewed any applicable deed covenants, conditions, and restrictions that might relate to the proposed home occupation.
- (G) Application for a home occupation subject to a Type I review procedure shall include a signed statement that the applicant complies with the exception standards of Section 10.0504.

### **10.0503 Home Occupation Considerations**

All home occupations shall be reviewed pursuant to the purpose and standards of this section in consideration of the application information. A home occupation proposal need not comply with Appendix 5.000, Public Facilities Standards, of the Community Development Code.

### **10.0504 Home Occupation Review Exception Standards**

Home occupations which meet the following exception standards may be processed following a Type I review, must obtain a valid City business license, and must comply with the performance standards in Subsections 10.0505(A)-(E) and (G)-(I):

- (A) The home occupation does not involve customers or clients coming to the residence of the applicant.
- (B) The home occupation does not include non-family members and/or non-residents as employees.

- (C) No deliveries shall be made to the residence other than by traditional small-scale means normally found in a residential area, such as the United States Postal Service, United Parcel Service, Federal Express, messenger services, etc.
- (D) Activities of or pertaining to the home occupation that occur at the home shall remain within the confines of the dwelling unit and/or garage.

Home occupations which do not meet the above standards must follow the Type II review process as described in Section 10.0502.

### **10.0505 Performance Standards for a Home Occupation**

All the following standards are established for Type II reviewed home occupations:

- (A) No signs shall be used indicating the existence of the home occupation.
- (B) There is no display or other evidence that will indicate from public rights-of-way or abutting residences that the dwelling unit is used in whole or in part for any purpose other than as a dwelling.
- (C) There shall be no change in the most current One and Two Family Dwelling (CABO) Code occupancy classification of the dwelling unit or any portion of the dwelling unit, including the garage.
- (D) No more than an area equivalent to 50% of the total floor area of the home may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Home occupation area may be located within a portion of the dwelling building and/or an attached or detached garage. However, home occupations shall not be located in other accessory structures.
- (E) There shall be no outside storage of materials or equipment associated with the home occupation. Nor shall there be any storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Fire Code.
- (F) No more than one employee other than permanent residents of the dwelling shall be engaged in the home occupation at the dwelling site at any one time.
- (G) No commercially licensed vehicle in excess of 3/4 ton manufacturer's rating shall be utilized or parked at the dwelling unit by any resident of the premises in connection with the home occupation.
- (H) No deliveries shall be made to the residence other than by traditional small-scale means normally found in a residential area, such as the United States Postal Service, United Parcel Service, Federal Express, messenger services, etc. Such deliveries shall not restrict traffic circulation on the public street and sidewalks.
- (I) The generation on a regular or ongoing time period of noise, vibrations, odors, heat, glare or visual or audible electrical interference detectable beyond any property line is prohibited.
- (J) No customers shall be on the premises between 10:00 pm and 7:00 am.
- (K) Two on-site parking spaces shall be provided for the home occupation in addition to those spaces already required for the dwelling. No more than two customer vehicles may visit the home occupation location at any one time and these must use the designated parking spaces onsite.

- (L) The proposed use is appropriate as a home occupation considering the purpose of this section, preceding standards, and the narrative informational items from Subsections 10.0502(F) (1) – (6) as provided with the application.

Upon approval of the home occupation development permit the applicant shall provide proof that he/she has obtained a current City business license.

#### **10.0506 Home Occupation Prohibited Uses**

The following business uses shall be prohibited as home occupations: vehicle repair, maintenance or dismantling activities, vehicle sales, employee/crew staging, and industrial uses (including but not limited to such activities as manufacturing, fabrication, warehousing, industrial services, and welding).

#### **10.0507 Home Occupation Time Limits and Renewal**

The approval for a Type I reviewed home occupation shall be valid as long as an active business license is maintained and renewed annually. The development permit for a Type II reviewed home occupation is valid for a period of two (2) years, but must include the annual renewal of an active business license. Renewal of the Type II permit shall then follow the Type I review process. However, any home occupation for which the City of Gresham receives more than two (2) verified complaints from property owners or any occupants of property within a radius of 300 feet of the home occupation site, or, a verified complaint is received from the applicable neighborhood association as authorized at a neighborhood association meeting, or, the home occupation is subject to City enforcement action within a calendar year, that permit must be renewed following the Type II process in the same manner as an application for a new permit. In such a case, the complaints and/or enforcement action shall be considerations for renewal.

#### **10.0508 Home Occupation Enforcement and Revocation**

The permit for a home occupation may be revoked by the Manager at any time for:

- (A) A violation of any provision of this ordinance.
- (B) A violation of any term or condition of the permit.
- (C) Failure to renew the City business license when due.

Enforcement shall follow the Abatement and Penalty provisions of Section 11.0600.

#### **10.0509 Variances to Standards**

Variances to standards may be considered only for the performance standards of Subsections 10.0505(A)-(K) following the process and procedures of Section 10.1500 of the City of Gresham Community Development Code.

#### **10.0510 Unsubstantiated Complaints**

City Code Enforcement staff shall have the discretion to determine the appropriate follow-up for unsubstantiated complaints. Such may include non-action or recommendations for mediation to affected parties.



## **Section 10.0600**

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(Reserved for future Code section)

## **Section 10.0700**

# **Mineral and Aggregate Resource Extraction**

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### General

10.0701 Resource Utilization Permits for Mineral and Aggregate Resource Extraction

10.0702 Required Information for Review Purposes

### Standards

10.0710 Standards for Mineral and Aggregate Resource Extraction

10.0711 Development Permit Requirements for Resource Utilization

## General

### **10.0701 Resource Utilization Permits for Mineral and Aggregate Resource Extraction**

- (A) No surface mining operation for mineral or aggregate resources requiring an operating permit, as provided in ORS 517.790, or expansion of any such existing operation, may be undertaken prior to issuance of a development permit for resource utilization. For purposes of this section, expansion shall mean lateral expansion consequential to surface mining into land surfaces previously not affected by surface mining. Land surfaces affected by surface mining shall be considered to be those areas disturbed by excavation or other means during any stage of mineral or aggregate production, or the covering of any land surface by surface mining refuse.
- (B) An application for a development permit for resource utilization shall be processed under a Type III procedure.

### **10.0702 Required Information for Review Purposes**

A development permit for resource utilization shall be required for establishment or expansion of a mineral or aggregate resource extraction operation, as provided in Section 10.0711. In preparing an application for a permit, the following materials shall be submitted:

- (A) Site design data as specified in Article VII;
- (B) A reclamation plan, prepared in conformance with requirements of the State Department of Geology and Mineral Industries.
- (C) Narrative materials addressing the criteria of Section 10.0711 and containing, in addition, a description of conflicting uses identified in connection with the operation and an analysis of the economic, social, environmental, and energy consequences of carrying out resource extraction as proposed.
- (D) Additional data which may be required by the Manager for the purpose of evaluating the impacts of the proposed development on adjacent properties, public facilities, and existing natural features.

## Standards

### **10.0710 Standards for Mineral and Aggregate Resource Extraction**

- (A) A strip of land at the existing topographical level, and not less than 15 feet in width, shall be retained around the perimeter of that portion of the site for which a reclamation plan has been prepared in conformance with requirements of the State Department of Geology and Mineral Industries. When any portion of the perimeter strip lies within 500 feet of a public street right-of-way or property which is not under the ownership of the applicant, that portion of the perimeter strip shall be landscaped in accordance with Section 9.0110(E).
- (B) Principal access to the site shall be from principal arterials, major arterials, and minor arterial streets wherever possible. Direct access to the site from neighborhood collectors, local streets, and cul-de-sacs shall not be permitted.
- (C) Fencing shall be placed on the site to prevent unauthorized access to open pit areas. Such fencing shall be of chain-link type, no less than 6 feet in height.
- (D) Conformance with all applicable standards of the State Department of Geology and Mineral Industries for Mined Land Reclamation Permits shall be demonstrated.

### **10.0711 Development Permit Requirements for Resource Utilization**

A development permit application for resource utilization shall be accompanied by a reclamation plan prepared in conformance with requirements of the State Department of Geology and Mineral Industries for surface mining operations. In acting to approve issuance of the development permit, the hearing body may attach conditions as necessary to mitigate adverse impacts associated with operation of the surface mine. A development permit for resource utilization shall be issued only upon finding compliance with the following criteria:

- (A) The proposed development will be adequately screened from adjacent properties and rights-of-way, and will not impose adverse impacts on public facilities or sites listed in the Inventory of Significant Natural Resources and Open Spaces; or that adequate measures will be implemented to mitigate identified adverse impacts.
- (B) Mineral or aggregate resources to be extracted are shown to be present in sufficient quantities and are of sufficient importance to the development of the community so as to outweigh identified adverse impacts.
- (C) Appropriate provisions have been made for reclamation of the site, in conformance with requirements of the State Department of Geology and Mineral Industries.

## **Section 10.0800 Moving of Buildings**

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### General

10.0801 Moving of Building

### Development Permits for Moving of Building

10.0810 Moving of Buildings, Development Permit Required

10.0811 Application for Moving of Building

10.0812 Guarantee of Completion for Moving Building

10.0813 Issuance of Development Permit

10.0814 Conditions of Development Permit

10.0815 Notice of Move

10.0816 Permits from County and State

10.0817 Continuity

10.0818 Liability

10.0819 Revocation

10.0820 Fee

10.0821 Movement on County Roads and State Highways

### General

#### **10.0801 Moving of Building**

Movement of structures within the City of Gresham shall be done by a building mover bonded by the City of Gresham, subject to compliance with all requirements related thereto.

### Development Permits for Moving of Buildings

#### **10.0810 Moving of Buildings, Development Permit Required**

(A) A building that exceeds 8 feet in width, 40 feet in length, or extends more than 14 feet from the ground when loaded for moving, may be moved across or along a public street of the city:

- (1) in accordance with a permit applied for and issued in accordance with this code, and
- (2) by a bonded building mover with adequate liability insurance.

(B) A building, for purposes of this section, shall not include a manufactured home as defined in the Community Development Standards Document.

#### **10.0811 Application for Moving of Building**

The Manager may grant a development permit under the Type I procedure for moving a building.

#### **10.0812 Guarantee of Completion for Moving Building**

[10.08]-1

The development permit shall not be issued unless the applicant furnishes the City with a Guarantee of Completion. The guarantee shall be equal to 110% of the estimated cost of making the relocated building ready for occupancy and use in accordance with the Community Development Code.

#### **10.0813 Issuance of Development Permit**

The Manager shall issue the development permit if:

- (A) The application complies with the requirements of the Community Development Code; and
- (B) The moving can be accomplished without damage to property or, in the case of such damage, it is consented to by the owner of the property or is to be paid for to the owner's satisfaction.

#### **10.0814 Conditions of Development Permit**

The development permit shall specify the following:

- (A) The route for moving the building;
- (B) The date when the permit will expire;
- (C) The days in the week and the hours in the day when the move will be allowed;
- (D) Whether the applicant must provide uniformed escorts; and
- (E) Whatever additional conditions the Manager deems necessary to minimize the obstruction of traffic, protect property, and protect the public safety and welfare.

#### **10.0815 Notice of Move**

After the development permit is issued, the applicant shall notify the Manager at least 24 hours prior to the actual time the move will take place.

#### **10.0816 Permits from County and State**

If the building is to be moved along or across county roads or state highways, the applicant must obtain the appropriate permits from the applicable jurisdictions.

#### **10.0817 Continuity**

Once a building has been moved into a public street pursuant to a development permit, the party moving the building shall continue with the moving project without interruption until it is completed, except as the development permit or the Manager specifically allow. The Manager may alter the route or the time of the move if necessary.

**10.0818 Liability**

The development permit shall not constitute an authorization for damaging property. The development permit shall constitute no defense against whatever liability the permittee incurs for personal injury or property damage caused by the moving.

**10.0819 Revocation**

A development permit issued under this section may be summarily revoked by the Manager if the permittee violates any term of the development permit.

**10.0820 Fee**

The council may establish by resolution a development permit fee for moving buildings.

**10.0821 Movement on County Roads and State Highways**

The Manager may waive any of the requirements of this section regarding buildings to be moved through the city upon a county road or state highway from and to points outside the city limits, if the movement will be made pursuant to a permit issued by the appropriate county or state agency, if notice of such proposed movement and a copy of the permit is submitted to the Manager prior to the movement, and if the Manager is satisfied that adequate precautions have been taken to protect the public safety and welfare. The Manager shall approve the date and time of the move.

## **Section 10.0900 Pot Bellied Pig**

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### General

#### 10.0901 Pot-Bellied Pig Exception

### **General**

#### **10.0901 Pot-Bellied Pig Exception**

Notwithstanding the restrictions on livestock provided by Section 4.0120, the keeping of swine commonly referred to as Miniature Vietnamese, Chinese, or Oriental pot-bellied pigs (*sus scrofa vittatus*) are permitted, subject to the following:

- (A) Pigs or swine shall be considered to fall within this exception if their maximum height is no greater than 18 inches at the shoulder and they weigh no more than 95 pounds.
- (B) No more than one pig shall be kept at any one address.

## **Section 10.1000**

### **Private Communication Facilities**

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#### Satellite Receive-Only Antenna

10.1001 Satellite Receive-Only Antenna General Provisions

10.1002 Satellite Receive-Only Antenna Development Requirements

#### Amateur Radio and Citizen Band Antenna

10.1010 Amateur Radio and Citizen Band Antenna General Provisions

10.1011 Amateur Radio and Citizen Band Antennas Development Requirements

### **Satellite Receive-Only Antenna**

#### **10.1001 Satellite Receive-Only Antenna General Provisions**

A satellite receive-only antenna that has a diameter of 4 feet or more and is to be located in a residential district shall be permitted under the Type I procedure when found to be consistent with the siting and screening requirements of the Community Development Code Section 10.1002(A) through (C). The Type II procedure shall apply when the applicant requests consideration under Section 10.1002(D), which is an exception to the rear yard location and height provision requirements.

#### **10.1002 Satellite Receive-Only Antenna Development Requirements**

A satellite receive-only antenna in a residential district may be erected on a parcel if it meets the following requirements:

- (A) Except as provided by subsection (D), the antenna shall be located in the rear yard area but not closer than 6 feet to a side or rear lot line;
- (B) The lower rim of the dish shall not be more than 4 feet above grade; and
- (C) The antenna is screened on all sides except for the face of the dish and the horizontal area needed to direct the dish to the various satellites. The application of the screening shall apply to all dishes which are exposed to dwellings on adjacent lots within 100 feet. The screening shall consist of landscaping materials which will grow to obstruct view of the dish within five years of planting. A fence can be substituted for landscaping.
- (D) Exceptions to a rear yard location and height provision:

If a rear yard location or the height provision would prevent reception of a satellite signal, the dish shall be located in the least visually impacting location on the property. The determination of the least visually impacting location will be based on a case-by-case basis but generally is, in order of desirability:

- (1) A side yard location;
- (2) A front yard location; or
- (3) On the structure (in which case, the screening requirements will not apply).



## **Amateur Radio and Citizen Band Antennas**

### **10.1010 Amateur Radio and Citizen Band Antenna General Provisions**

Amateur radio and citizen band antenna support structures and amateur radio and citizen band antennas, which themselves are deemed structures under the Uniform Building Code (UBC) of the State of Oregon, that are located in a residential district, shall require a development permit. All other amateur radio and citizen band antennas that are located in residential districts shall not require a development permit but shall conform to the applicable provisions of the Community Development Code.

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

### **10.1011 Amateur Radio and Citizen Band Antenna Development Requirements**

Amateur radio or citizen band antennas and their support structures erected in a residential district shall meet the following requirements:

- (A) The amateur radio or citizen band antenna shall not be located closer than 6 feet from a dwelling other than the dwelling on the same lot.
- (B) The maximum height of an antenna and support structure shall be 100 feet. The height of a crank-up tower shall be measured when fully extended.
- (C) Antenna support structures shall be located outside of required rear and side yard setbacks and behind the front building line of the dwelling or other primary structure on the site.
- (D) Tower-type vertical antennas and antenna support structures, extending more than 35 feet in height from mounting point shall be set back from all property lines at least a distance equal to 30 percent of their height. For purposes of this subsection, the height of an antenna support structure shall include the linear vertical distance to the highest point of any mast and/or antenna mounted on the structure, or the highest point of the support structure, whichever is greater. The setback distance shall be calculated from all property lines to the closest point of the vertical aspect of the affected antenna or support structure. Horizontal space occupied by an antenna shall not be included in the setback calculation. The wire portions of inverted-vee, dipole, sloper and similar-type antennas shall be exempt from this subsection.
- (E) Guy wires and anchors shall be located outside of required front and street side yard setbacks.
- (F) No part of an antenna or its support structure including parts that can be rotated, shall extend over any adjacent lot.
- (G) The applicant shall submit a statement describing the nature and extent of any interference which may be associated with the radio frequency (RF) facility and describing the applicant's responsibilities under federal regulations.
- (H) The following color standards apply to ground-mounted amateur radio or citizen band antenna support structures greater than 55 feet and up to 200 feet in height:
  - (1) Metal structures shall have a galvanized finish, or be flat or matte silver, or flat or matte gray in color.

- (2) Wooden pole antenna support structures shall be of a natural wood color or a paint or stain approximating a natural wood color.
- (I) Ground-mounted amateur radio or citizen band antenna support structures more than 200 feet in height shall comply with locational, painting and lighting regulations of the Oregon Department of Transportation Aeronautics Section, Federal Aviation Administration, and Federal Communications Commission.
- (J) If the antenna is mounted on a dwelling or other building without an antenna support structure, then the antenna shall be at least 20 feet from all property lines This subsection does not apply to: the wire portions of inverted-vee, dipole, sloper and similar-type antennas; antennas with a wind-loading surface area of 3 square feet or less; wire antennas less than 3 feet above the height of the structure on which mounted; or "whip" type antennas. No antenna mounted on a dwelling or other building without an antenna support structure shall exceed a height of 40 feet above the top of the structure.
- (K) Exceptions to a yard setback, locational or height provisions are allowed if the yard setback, locational or the height provision would prevent effective amateur communications or the generation, detection or processing of radio frequency energy. The antenna and/or support structure may be excepted from the yard setback, locational or height provisions provided that:
  - (1) The applicant provides documentation that the exception is needed for the operation of the amateur radio or citizen band facility, and
  - (2) The applicant provides documentation that the request is the minimum necessary exception from the yard setback, locational or height provisions of this section, and
  - (3) If the exception would result in any part of an antenna or support structure, including parts that can be rotated, extending over any adjacent property, then the applicant shall provide a copy of an easement from the owner of the affected property authorizing such extension.

## **Section 10.1100**

### **Shoreline Height Standards**

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#### General

10.1101 Purpose

10.1102 Application

### **General**

#### **10.1101 Purpose**

The purpose of the shoreline height standards is to reduce the visual impact of structures built between the south bank of the Columbia River and Marine Drive.

#### **10.1102 Application**

The following height limits shall apply to structures for which a development permit is required on land lying north of Marine Drive:

- (A) New detached structures shall not exceed a height equivalent to an elevation of three feet above the elevation of that portion of the Marine Drive roadway which abuts the development site.
- (B) Enlargements to existing detached dwellings and construction of detached, residential accessory structures on the same lot as an existing detached dwelling shall be permitted with a maximum height of 45 feet above grade.

## **Section 10.1300**

### **Temporary Health Hardship Dwelling**

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#### General

10.1301 Purpose

#### Submittal Requirements and Development Standards

10.1310 Development Permit for Temporary Health Hardship Dwelling

10.1311 Application

10.1312 Approval Criteria

10.1313 Permit Renewals

10.1314 Removal

10.1315 Guarantee of Removal of Temporary Health Hardship Dwellings

#### General

##### **10.1301 Purpose**

The purpose of a temporary health hardship dwelling is to allow convenient support and care for infirm relatives by allowing temporary placement of a manufactured home as an accessory to an existing single-family dwelling.

#### Submittal Requirements and Development Standards

##### **10.1310 Development Permit for Temporary Health Hardship Dwelling**

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

##### **10.1311 Application**

In addition to the applicable submittal requirements of Section 11.0200 of the Gresham Development Code, an applicant for a temporary health hardship dwelling development permit shall submit:

- (A) Ten copies of a proposed site plan, drawn to scale, showing all existing and proposed structure locations and sizes. Show distances to other structures and property lines. Show the location of all existing and proposed public facility connections, and existing easements.
- (B) Ten copies of a narrative covering each of the appropriate approval criteria pursuant to Section 10.1312.
- (C) Ten copies of the licensed physician letter pursuant to 10.1312(B).

### **10.1312 Approval Criteria**

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

- (A) The person with a health hardship is either one of the property owners or a relative of one of the property owners. For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.
- (B) The person with the health hardship is unable to adequately provide daily self-care needs because of a physical and/or medical impairment, based upon a statement from a licensed physician.
- (C) The manufactured home to be occupied as the temporary accessory dwelling is located on the site of an existing single-family dwelling, or on a vacant lot abutting the site of the existing single-family dwelling.
- (D) The application is consistent with the following:
  - (1) Temporary health hardship dwellings shall meet the standards of the LDR-5 or LDR-7 Districts.
  - (2) The temporary health hardship dwelling (if placed on the same lot as the existing single-family dwelling) shall be located behind the farthest back front wall of the existing primary dwelling, when located on an interior lot. When located on a corner lot, the temporary health hardship dwelling (if placed on the same lot as the existing single-family dwelling) shall be placed in conformance with streetside yard setback requirements on the streetside.
  - (3) A temporary health hardship dwelling shall not be required to comply with Appendix 5.000 - Public Facilities Standards, unless the proposed use will cause the capacity of existing facilities serving the site to be exceeded.
  - (4) No additional off-street parking spaces are required for the temporary health hardship dwelling.

### **10.1313 Permit Renewals**

A development permit for a temporary health hardship accessory dwelling shall expire two years from the date of issuance of the permit. Permits may be renewed for two year periods by the Manager under the Type I procedures, provided the following criterion is met: A recent (within 6 months prior to the expiration date) physician's statement is provided, verifying that the situation described in Section 10.1312(B) still exists.

### **10.1314 Removal**

A temporary accessory dwelling shall be removed from the site within six months of the expiration of the development permit. No one shall reside in the accessory dwelling following expiration of the permit.

### **10.1315 Guarantee of Removal of Temporary Health Hardship Dwellings**

Prior to issuance of a building permit for the manufactured home, the applicant shall provide the City a Guarantee of Completion equal to 110% of the estimated cost of removing the manufactured home to ensure removal of the manufactured home.

## 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 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 subdistrict 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 subdistrict 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 subdistrict 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                  |
| (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) 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 10.1500**

### **Variance and Adjustment Procedures**

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#### General

10.1501 Purpose

10.1502 Exceptions

#### Type II Variances

10.1510 Type II Minor Variance Provisions

#### Type II Adjustments

10.1520 Reduction in Minimum Street Frontage

10.1521 Modification of Regulations

10.1522 Modification of Dedications and Other Requirements

#### Type III Variances

10.1530 Type III Major Variance Provisions

10.1531 Private Residential Access for Dwellings under Unit Ownership

### **General**

#### **10.1501 Purpose**

Variance and adjustment procedures are intended to allow modification of specific standards contained in the Community Development Code. A variance or adjustment may be permitted if the approval authority finds the applicant has satisfactorily addressed all the approval criteria. If a variance or adjustment request is approved, the approval authority may attach conditions to the final order to mitigate adverse impacts which might result from the approval.

#### **10.1502 Exceptions**

The following regulations of the Community Development Code may not be varied:

- (A) The uses permitted in the land use district.
- (B) Definitions.
- (C) The minimum and maximum residential development density allowed in a land use district.
- (D) Restrictions on uses or development that contain the word "prohibited."

### **Type II Variances**

#### **10.1510 Type II Minor Variance Provisions**

The Type II procedure shall be used to process a minor variance request involving a 20 percent reduction or 20 percent increase from a quantitative provision of the Community Development Code. The Manager shall grant a variance if all of the following criteria are satisfied:

- (A) The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of the applicant or owner, such as financial circumstances.



- (B) To meet the need, the request is the minimum necessary variation from the Community Development Code requirement.
- (C) There are development constraints associated with the property, or the present use or permitted use of the property, which make development of a permitted use impractical; or the variance is needed to allow the applicant to enjoy a substantial property right possessed by a majority of property owners in the same vicinity.
- (D) The purposes of the Community Development Code and the applicable policies of the Community Development Plan would be equally met or advanced by a variation from the development requirement.

## **Type II Adjustments**

### **10.1520 Reduction in Minimum Street Frontage**

Intent. The City’s transportation policies assure public street connectivity in general, and specifically require public street frontage and access for residential parcels.

Adjustment. However, the Manager under a Type II procedure may reduce the minimum street frontage required if 1) such reduction is necessary to satisfy neighborhood circulation and/or future street plan provisions (Section 9.0700), and 2) Associated findings show either condition (A) or condition (B) exists, and condition (C) exists:

- (A) Topographical constraints preclude the application of the minimum standard; or
- (B) The land division is part of an infill process where the application of the minimum street frontage standard would prohibit the division of the parcel. Infill development within LDR-5, LDR-7, TLDR and TR shall also be subject to the standards of Section 4.0138; and
- (C) It is not feasible to extend the public street system to provide local circulation and the minimum street frontage. For purposes of the section “not feasible” shall mean that there is no reasonable connection to another public street; or that the property configuration or physical constraints preclude connection; or lotting patterns surrounding the site or development patterns preclude street extensions, and/or an adopted Future Street Plan affects the site.

### **10.1521 Modification of Regulations**

- (A) Under the Type II procedure, the Manager may modify standards in the Community Development Code regarding public facilities, parking requirements, building lot coverage, yard setbacks, building height, and landscaping if any one of the following criteria is satisfied:
  - (1) The site design reduces the need for major alterations of the site, such as excavations, retaining walls, steep road cuts and fill, and extensive grading;
  - (2) The site design has provisions for major recreational facilities such as playgrounds, swimming pools, tennis courts, and similar facilities;
  - (3) There is a maximum retention of natural topographic features, such as drainage swales, slopes, ridge lines, rock outcroppings, vistas, natural plant formations, and trees;
  - (4) The street system is designed in an east/west alignment to maximize solar orientation. Multi-family structures include solar space heating or water heating devices, or insulation beyond the minimum standards of the Uniform Building Code.

- (B) Upon a finding that the applicant's plan substantially achieves any of the preceding criteria, the Manager may modify the identified standards within the following prescribed limits:
- (1) Front, side, and rear yards may be reduced to zero when in compliance with the Oregon State Structural Specialty Code.
  - (2) The requirements for the installation of sidewalks may be modified if provisions are made to provide off-street parking in addition to that required in the off-street parking section of this code, as follows:
    - (a) Detached dwellings - two additional off-street parking spaces.
    - (b) Attached dwellings - for each unit, one-half additional off-street parking space for each bedroom in addition to the first bedroom. In cases where a one-half space occurs in a total figure, the standards shall be increased to the next whole figure.
  - (3) Height limitations may be increased, provided the additional height does not exceed 45 feet in a residential district.
  - (4) Building lot coverage may be increased provided the additional coverage does not exceed 50 percent.
  - (5) Parking requirements may be reduced by 10 percent.

#### **10.1522 Modification of Dedications and Other Requirements**

Under the Type II procedure, the Manager may reduce or eliminate a dedication of land or other requirement if the requirement, as determined by the Manager, does not meet the requirements of the Fifth Amendment to the United States Constitution.

### **Type III Variances**

#### **10.1530 Type III Major Variance Provisions**

The Type III procedure shall be used to process a major variance request involving more than a 20 percent reduction or 20 percent increase from a quantitative development standard or a request to deviate from a qualitative standard. The hearing body shall grant the variance if all of the criteria identified in Section 10.1510 and one of the following criteria is met:

- (A) The circumstances that apply to the site or to the present or permitted use of the site do not typically apply to other properties in the same vicinity or land use district and are unique or unusual; or,
- (B) It would be more detrimental to the public safety or more injurious to the public welfare to apply the development standard than to grant the proposed variance.

#### **10.1531 Private Residential Access for New Dwellings under Unit Ownership**

Private residential access to a public street for new dwellings under unit ownership may be authorized under the Type III procedure, if the proposal is consistent with the following criteria:

- (A) The proposed accessway shall not eliminate or make impractical the establishment of a planned public street or continuation of an existing public street. The public circulation needs of the area within one-quarter mile shall be accommodated without a public street through the site.
- (B) Additional off-street parking shall be provided to dwellings served by an accessway in order to replace the lost on-street parking.

# Article XI Gresham Procedural Code

## Section 11.0000 Introductory

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### General

- 11.0001 Purpose
- 11.0002 Definitions
- 11.0003 Scope and Compliance
- 11.0004 Consistency with Plan and Laws
- 11.0005 Interpretation

### General

#### **11.0001 Purpose**

The purpose of this code is to coordinate city regulations governing the development and use of land and to implement the Gresham Community Development Plan.

#### **11.0002 Definitions**

All words and phrases used in this code shall have the meanings set forth in Article III, Definitions, of the Community Development Code.

#### **11.0003 Scope and Compliance**

- (A) A parcel of land or a structure may be used, developed, and occupied only as this code permits. In addition to complying with the requirements of this code, each development shall comply with:
  - (1) Volumes I and II of the Community Development Plan, and
  - (2) The applicable standards set forth in the Community Development Code, including the public services and facilities requirements.
- (B) The requirements of this code apply to the person undertaking a development, to the user of a development, and to the person's successors in interest.

#### **11.0004 Consistency with Plan and Laws**

Actions initiated under this code shall be consistent with the Community Development Code and with applicable state and federal laws and regulations.

#### **11.0005 Interpretation**

Where the conditions imposed by a provision of this code are less restrictive than comparable conditions imposed by any other provisions of this code, the more restrictive provisions shall govern.

## **Section 11.0100 Development Requirements**

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### General

- 11.0101 Development Permit Required
- 11.0102 Exclusions From Development Permit Requirement

### General

#### **11.0101 Development Permit Required**

- (A) Except as excluded by Section 11.0102, no person may engage in or cause to occur a development as defined in Section 3.0010, without first obtaining a development permit through the procedures set forth in this code.
- (B) A building permit shall constitute a development permit, and all use of the property and construction done under a valid building permit shall comply with all requirements of the Community Development Plan.
- (C) The Manager shall not issue a development permit that does not meet the minimum requirements of the Development Code. The Manager shall not issue a development permit if the subject land was divided or otherwise developed in violation of this code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development.
- (D) Unless appealed, a decision on a Type I, II, or III development permit shall be final and effective upon expiration of the period provided for filing an appeal or, if appealed, final and effective upon a decision by the final appeal reviewing body.
- (E) A development permit approval is valid for one year from the effective date of approval unless otherwise specified. A one-year time extension may be approved if the request for the extension is received in writing prior to the date of the expiration.

#### **11.0102 Exclusions From Development Permit Requirement**

The following activities do not require a development permit. The activities listed in (G), (H), and (I) require a development permit if the property is located in a Flood Plain Physical Constraint Overlay District or a Hillside Physical Constraint Overlay District. In the natural resource district only items (B) and (C) below shall be excluded from the requirement for a development permit.

- (A) Landscaping not involving a structure. Landscaping does not include the paving of a parking lot.
- (B) An internal change to a building or other structure that does not substantially affect the use of the building or structure or a sign that does not require design review approval.
- (C) An emergency measure necessary for the immediate safety of persons or protection of property. An application for a development permit shall be filed promptly if the action otherwise would require a development permit but for the emergency.

- (D) Erection of a tent or similar portable structure for non-commercial use not exceeding 10 days.
- (E) Farming.
- (F) An alteration that does not substantially affect the use or appearance of land or a structure.
- (G) The establishment, construction, maintenance, or termination of the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas distribution lines, and telephone and television cable transmission lines.
- (H) Construction, maintenance, or demolition of an accessory structure that does not require a building permit.
- (I) Excavation or filling of land not exceeding 50 cubic yards within any 1 year and the following activities:
  - (1) Excavations below finish grade for basements and footings of a building, retaining walls;
  - (2) Cemetery graves;
  - (3) Excavations for wells, tunnels, or utilities;
  - (4) Exploratory excavations under the direction of a soils engineer or engineering geologist;
  - (5) An excavation which is less than 2 feet in depth or which does not create a cut slope greater than 5 feet in height and steeper than 2 horizontal to 1 vertical;
  - (6) A fill less than one foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical; or less than 3 feet in depth, not to exceed 50 cubic yards on any 1 lot and does not obstruct a drainage course;
  - (7) A grading plan for a parcel that conforms to an approved grading plan.
- (J) A helicopter landing facility when established for the support of an emergency in progress or when established for the occasional demonstration and/or training of emergency service operations.
- (K) Exclusion from a development permit does not exempt the development or its use from otherwise complying with all applicable requirements of this code.
- (L) A modular unit or trailer used as a construction office on a job site during construction activities on a site, removed before final occupancy is approved for the project or for the final stage of the project.

## **Section 11.0200 Development Procedures**

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### Procedure Types And Determination Of Proper Procedure

- 11.0201 Procedures for Processing Development Permits
- 11.0202 Type I Procedure - Administrative Decision
- 11.0203 Type II Procedure
- 11.0204 Type III Procedure - Quasi-Judicial Hearing
- 11.0205 Type IV Procedure - Legislative
- 11.0206 Legislative Enactments Not Restricted
- 11.0207 Determination of Proper Procedure Type

### Processing Type I - IV Development Actions

- 11.0210 Pre-Application Conference
- 11.0211 Development Permit Application
- 11.0212 Submission and Acceptance of Application
- 11.0213 Referral and Review of Development Permit Applications
- 11.0214 Development Permit Decision
- 11.0215 Action on Resubmission of Denied Application
- 11.0216 Submission to Modify an Approval
- 11.0217 Request for Staff Interpretation

### **Procedure Types And Determination Of Proper Procedure**

#### **11.0201 Procedures for Processing Development Permits**

All development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IV procedure.

See **Table 11.0201** as follows:

**TABLE 11.0201**

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

| Code Citation                                | Application                                      | Pre-app required? | Type | Manager | Hearings Officer | Tree Preservation Subcommittee | Historic Resources Advisory Committee | Design Commission | Planning Commission | City Council |
|--|--|-------------------|------|---------|------------------|--------------------------------|---------------------------------------|-------------------|---------------------|--------------|
| <b>RESIDENTIAL</b>                           |  |                   |      |         |                  |                                |                                       |                   |                     |              |
| 10.0100                                      | Accessory Dwelling Units                         | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 10.0300                                      | Ancillary Dwelling Units                         | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 10.0410                                      | Conversion of Elderly Housing                    | Y                 | III  |         | D                |                                |                                       |                   |                     | A            |
| 10.0400                                      | Conversion of Residential Units                  | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 10.0502                                      | Home Occupation                                  | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 10.0502                                      | Home Occupation                                  | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 10.1300                                      | Health Hardship Dwelling Unit                    | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 4.0135                                       | Single Family Residence/Duplex on a Tax Lot      | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| <b>LOTS AND PARCELS (6.0000)</b>             |  |                   |      |         |                  |                                |                                       |                   |                     |              |
| 6.0020                                       | Condominium Creation                             | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 6.0200                                       | Partition  | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 6.0300                                       | Planned Developments                             | Y                 | III  |         | D                |                                |                                       |                   | A                   |              |
| 6.0100                                       | Property Line Adjustments and Lot Consolidations | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 6.0200                                       | Subdivision - Preliminary                        | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 6.0001                                       | Land Division - Final Plat                       | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 6.0410                                       | Extension of land use decision                   | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| <b>OVERLAY DISTRICTS (5.0000 and A4.000)</b> |  |                   |      |         |                  |                                |                                       |                   |                     |              |
| 5.0000                                       | Special Purpose District Boundary Revisions      | Y                 | III  |         | D                |                                |                                       |                   | A                   |              |
| 5.0300                                       | Historic Landmarks                               |                   |      |         |                  |                                |                                       |                   |                     |              |
| A4.004                                       | Removal from List                                | Y                 | II   | D       | A                |                                | R                                     |                   |                     |              |
| 5.0322                                       | Demolition of Historic Landmark                  | Y                 | III  |         | D                |                                | R                                     | A                 |                     |              |

City of Gresham Development Code

[11.02]-2

(1/09)

| Code Citation                       | Application   | Pre-app required? | Type | Manager | Hearings Officer | Tree Preservation Subcommittee | Historic Resources Advisory Committee | Design Commission | Planning Commission | City Council |
|-------------------------------------|---|-------------------|------|---------|------------------|--------------------------------|---------------------------------------|-------------------|---------------------|--------------|
| 5.0321                              | Alteration of Historic Landmark   | N                 | III  |         | D                |                                | R                                     | A                 |                     |              |
| A4.002                              | Addition to list  | N                 | IV   |         |                  |                                | R                                     |                   |                     | D            |
| 5.0400                              | Habitat Conservation Area District  |                   |      |         |                  |                                |                                       |                   |                     |              |
| 5.0411 & 5.0412                     | Development in HCA  | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 5.0413                              | Minor HCA Variance (5.0413.D or 5.0413.E)                                     | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 5.0413                              | Major HCA Variance (5.0413.D or 5.0413.E)                                     | Y                 | III  |         | D                |                                |                                       |                   |                     | A            |
| 5.0414                              | City initiated modification/correction of HCA map                             | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 5.0414                              | Applicant initiated modification/correction of HCA map                        | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 5.0500                              | Open Space  |                   |      |         |                  |                                |                                       |                   |                     |              |
| 5.0500                              | Open Space Dedication, in Open Space or Natural Resource Site                 | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 5.0500                              | Open Space Dedication in other areas  | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 5.0100                              | Flood Plain Development Permit  | Y                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 5.0100                              | Flood Plain Development Permit (if restoration)                               | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| <b>MODIFICATIONS AND VARIANCES</b>  |   |                   |      |         |                  |                                |                                       |                   |                     |              |
| 10.1520                             | Adjustment to Regulations   |                   |      |         |                  |                                |                                       |                   |                     |              |
|                                     | Type II   | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 11.0217                             | Code Interpretation   | N                 | I    | D       | A                |                                |                                       |                   |                     |              |
| 10.1530                             | Major Variance  | Y                 | III  |         | D                |                                |                                       |                   |                     | A            |
| 10.1510                             | Minor Variance  | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| 11.0216                             | Modification to Approval (review level corresponds to original approval type) | *                 |      |         |                  |                                |                                       |                   |                     |              |
| 10.1521                             | Modification of Regulations   | N                 | II   | D       | A                |                                |                                       |                   |                     |              |
| <b>TREES (9.1000 &amp; A14.000)</b> |   |                   |      |         |                  |                                |                                       |                   |                     |              |
| 9.1010                              | Tree removal (street tree, parking lot tree, etc.)                            | N                 | I    | D       | A                |                                |                                       |                   |                     |              |



| Code Citation                          | Application   | Pre-app required? | Type  | Manager | Hearings Officer | Tree Preservation Subcommittee | Historic Resources Advisory Committee | Design Commission | Planning Commission | City Council |
|--|---|-------------------|-------|---------|------------------|--------------------------------|---------------------------------------|-------------------|---------------------|--------------|
| 9.1010                                 | Regulated Tree Removal  | N                 | II    | D       | A                |                                |                                       |                   |                     |              |
| A14.000                                | Significant Tree Designation                                  | N                 | III   |         | D                | R                              |                                       |                   |                     | A            |
| 9.1010                                 | Removal of Significant Tree                                   | N                 | III   |         | D                |                                |                                       |                   |                     | A            |
| A14.000                                | Significant Tree Designation Removal                          | N                 | III   |         | D                | R                              |                                       |                   |                     | A            |
| <b>SITE DESIGN REVIEW (7.0000)</b>     |   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 7.0003                                 | Site Design Review, Exempt (DREX)                             | N                 | I     | D       | A                |                                |                                       |                   |                     |              |
| 7.0001                                 | Site Design Review, Minor (DRMIN)                             | N                 | II    | D       | A                |                                |                                       |                   |                     |              |
| 7.0001                                 | Site Design Review (DR)                                       | Y                 | II    | D       |                  |                                |                                       | A                 |                     |              |
|  | Site Design, Design District                                  | Y                 | II    | D       |                  |                                |                                       | A                 |                     |              |
|  | Site Design, Design District                                  | Y                 | III   |         |                  |                                |                                       | D                 |                     | A            |
| 7.0001                                 | Extension of land use approval                                | N                 | I     | D       | A                |                                |                                       |                   |                     |              |
| <b>COMMUNITY SERVICE USES (8.0100)</b> |   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 8.0110                                 | Community Service Use   | N                 | I     | D       | A                |                                |                                       |                   |                     |              |
| 8.0111                                 | Community Service Use   | Y                 | II    | D       | A                |                                |                                       |                   |                     |              |
| 8.0112                                 | Community Service Use   | Y                 | III   |         |                  |                                |                                       |                   |                     |              |
|  | Minor   | Y                 | III   |         | D                |                                |                                       |                   | A                   |              |
|  | Major   | Y                 | III   |         |                  |                                |                                       |                   | D                   | A            |
| <b>TEMPORARY USES (10.1400)</b>        |   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 10.1401                                | Temporary Use Permit  | N                 | I     | D       | A                |                                |                                       |                   |                     |              |
| <b>NON-CONFORMING USES (8.0200)</b>    |   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 8.0250                                 | Establishment   | N                 | I     | D       | A                |                                |                                       |                   |                     |              |
| 8.0220                                 | Replacement   | N                 | I, II | D       | A                |                                |                                       |                   |                     |              |
| 8.0200                                 | Expansion   | Y                 | II    | D       | A                |                                |                                       |                   |                     |              |
| <b>TRANSPORTATION</b>                  |   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 9.0700                                 | Future Street Plans   |                   |       |         |                  |                                |                                       |                   |                     |              |
| 9.0700                                 | In conjunction with a land division and/or site design review | Y                 | II    | D       | A                |                                |                                       |                   |                     |              |

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

### **11.0202 Type I Procedure - Administrative Decision**

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

### **11.0203 Type II Procedure**

- (A) The decision and appeal authorities for a Type II development action are shown in **Table 11.0201**.
- (B) The City shall notify the applicant and all property owners within 300 feet of the proposal by mailed notice. City-recognized neighborhood organizations shall be sent mailed notice of a pending development action if the proposal is located within the association's boundaries. The notice shall also be posted on the affected property. Any property owner or person may present written comments to the City which address the relevant criteria and standards. Such comments must be received by the City within 14 calendar days from the date on the notice.
- (C) The Manager shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Community Development Plan. Conditions may be imposed by the Manager if necessary to fulfill the requirements of the Community Development Plan.
- (D) The applicant, any person providing written comments under subsection B of this section, and any person entitled to notice of the decision may appeal this decision in accordance with Section 11.0500.
- (E) If the Type II decision is appealed as provided in subsection (D), the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in Section 11.0204 and Section 11.0500.
- (F) The decision on any appeal of a Type II decision shall be the final local decision. Any further appeal shall be to the Land Use Board of Appeals (LUBA).
- (G) An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedures.
- (H) Type II development actions are further categorized as limited and non-limited decisions, in conformance with ORS 197.015.
  - (1) Limited land use decisions include:
    - (a) Subdivision
    - (b) Partition
    - (c) Site Design Review
    - (d) A Minor Variance as part of a subdivision, partition or site design review
    - (e) Tree Removal as part of a subdivision, partition or site design review
    - (f) A change of conditions of approval for a subdivision, partition or site design review

- (2) Non-Limited land use decisions include:
  - (a) A Type II Community Service Use
  - (b) A Site Design Review with a Type II Community Service Use
  - (c) A Type II Home Occupation
  - (d) Development in the Flood Plain
  - (e) Accessory Dwellings
  - (f) Tree Removal not part of a subdivision, partition or site design review
  - (g) A Minor Variance not part of a subdivision, partition or site design review
  - (h) Expansion of a Non-conforming Use or Development
  - (i) A Type II Temporary Use
  - (j) A personal satellite dish or antenna

#### **11.0204 Type III Procedure - Quasi-Judicial Hearing**

- (A) The decision and appeal authorities for a Type III development action are shown in **Table 11.0201**.
- (B) Type III development actions shall be decided by the hearing body after public notice and a public hearing except for Type III Community Development Plan Map amendments as provided by Section 12.0001. The public hearing shall be held in accordance with the requirements of Section 11.0300.
- (C) The City shall notify the applicant and all property owners within 300 feet of the proposal. At the public hearing, the applicant and interested persons may present information relevant to the appropriate criteria and standards.
- (D) The hearing body may attach certain conditions beyond those warranted for compliance with the Community Development Code in granting an approval if the hearing body determines the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, to comply with a policy of the comprehensive plan, and to otherwise fulfill the approval criteria. If conditions are attached, additional development costs incurred shall be minimized to the extent possible. Needed housing types shall not be discouraged and densities shall not be reduced beyond those allowed by the plan as a result of special conditions.
- (E) If the application is approved, the Manager shall issue a development permit when the applicant has complied with the other requirements of this code.
- (F) A Type III decision may be appealed by a party to the hearing in accordance with Section 11.0500 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties in the prior deliberations.

#### **11.0205 Type IV Procedure - Legislative**

- (A) Type IV actions are legislative. The recommendation, decision and appeal authorities for a Type IV development action shown in **Table 11.0201**.

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

#### **11.0206 Legislative Enactments Not Restricted**

Nothing in Section 11.0200 shall limit the authority of the council to make changes to the Community Development Plan as part of an extensive revision of the Community Development Plan.

#### **11.0207 Determination of Proper Procedure Type**

- (A) The Manager shall determine the proper procedure for all development actions using **Table 11.0201**. If there is a question as to the appropriate type of procedure, the Manager shall resolve it in favor of the higher procedure type number.
- (B) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually with the exception of single family attached dwellings which require a combined (concurrent) review consisting of site design review and land division. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to subsequent lower numbered procedure.
- (C) The following rules apply to applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies. Applications processed collectively shall be heard only by the highest hearing body, the planning commission being the highest, followed by the hearings officer and then the Manager. Applications processed under the individual procedure option may, at the option of the Manager, be processed simultaneously with a joint hearing before the assigned hearing bodies or by holding consecutive hearings at the same location.

## **PROCESSING TYPE I - IV DEVELOPMENT ACTIONS**

### **11.0210 Pre-Application Conference**

- (A) Pre-application conferences are required for all reviews as indicated in **Table 11.0201**.
- (B) The conference shall be held within 20 days of the request.
- (C) The purpose of the pre-application conference is to acquaint the applicant with the applicable requirements of the Community Development Plan and Code and the Gresham Revised Code, and to encourage and enable the applicant towards submitting an application that will not be delayed due to completeness problems.
- (D) The Manager may provide the applicant with a written summary of the conference within ten working days of the conference. The summary will include a confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application. It is impossible for the conference to be an exhaustive review of all potential issues and the conference shall not bind or stop the City in any way from enforcing all applicable laws.
- (E) The pre-application conference is preliminary to the submittal of the development permit application and does not count towards the processing time limits for the development permit application.
- (F) Appropriate City and other agency staff, and the applicant, shall be invited to the pre-application conference to discuss the development proposal and provide the applicant with relevant development information. The pre-application conference is not open to the general public.

### **11.0211 Development Permit Application**

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

- (A) A completed and signed development permit application form.
- (B) An explanation of intent or narrative, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by the Development Code (including discussion of applicable criteria), and other information that may be relevant to the action to be taken.
- (C) Written proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.
- (D) A detailed site plan and property description of the site for all applications other than land division applications. A legal description and tentative plat diagram shall be required for land division applications.
- (E) Additional information required by other provisions of the Community Development Plan.
- (F) The applicable application filing fees.
- (G) Ten copies of all materials submitted with the application form unless otherwise stated by the Manager prior to the submission.

- (H) One copy of evidence of neighborhood meeting compliance as identified in subsection 11.0800.
- (I) One copy of a completed and signed pre-application conference waiver form if the proposal is one not subject to a mandatory pre-application conference and the applicant chose not to request a conference.

**11.0212 Submission and Acceptance of Application**

- (A) A decision on a development permit application, including all local appeals, shall be completed within 120 days of the date the application is found to be complete, as required by ORS 227.178. If the City fails to meet the 120 day time period, the applicant may file a writ of mandamus with the circuit court of Multnomah County to compel the City to issue the approval. The 120 day time period can be extended upon the request of the applicant. The 120 day time period only applies to decisions wholly within the authority and control of the City and does not apply to amendments to the Community Development Plan, adoption of land use regulations, or adoption of a new land use regulation that is forwarded to the director of the Department of Land Conservation and Development.
- (B) Applications shall be submitted to the Manager. The date of submission shall be indicated on the material submitted. Within 30 calendar days from the date of submission, the Manager shall determine whether the application is complete or incomplete. Acceptance of an application only represents an acceptance of the information for review. If the Manager determines that the application is incomplete, the Manager shall immediately provide the applicant with a complete list of the information that needs to be submitted to complete the application. An applicant shall have 180 days from first submittal date to submit the necessary information to complete the application. The application will be considered complete for review as of the 31st day after the Manager received the application, provided the applicant refuses in writing, within 10 days of the date of the notice of incompleteness, to submit the additional information. Resubmitted or substantially amended applications shall be subject to another 30 day completeness check. If the applicant does not submit required information within the 180 day period from first submittal date, and has not in writing refused to do so as described above, the Manager shall make findings and issue a decision, according to the Type I procedure, that the application is denied based upon the lack of information necessary to complete the review.
- (C) When a development permit application is deemed complete, the Manager shall note the date of completeness. The City's review of an application will be based on the applicable standards and criteria that were in effect at the time the application was first submitted. A completeness determination shall include an analysis that:
  - (1) The development permit application form is properly filled out, the appropriate filing fee has been paid, and the correct number of copies has been provided, and
  - (2) The applicant is either the property owner or has the written authorization of the property owner to apply, and
  - (3) All required submittal information (as stated in the Development Code) has been provided.

**11.0213 Referral and Review of Development Permit Applications**

Within five working days of deeming an application complete, the Manager shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal

requirements identified in Section 11.0004. The affected agencies and city departments shall have 15 calendar days to comment. The referral agency or city department is presumed to have no comments if comments are not received within the specified time period. The Manager shall grant an extension only if the application involves unusual circumstances. Any extension shall only be for a maximum of 15 additional days.

#### **11.0214 Development Permit Decision**

- (A) The Manager shall grant or deny the development permit within 60 days of the date the application is deemed complete. The decision of the Manager shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Manager shall notify the applicant and others entitled to notice of the disposition of the application. Approval or denial of an application shall be accompanied by written findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision, and explain the justification for the decision based on the criteria, standards, and facts set forth. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 11.0500. The notice of decision shall be provided to the applicant, parties who commented, and, in the case of non-limited decisions, to all property owners who received notice of the pending development action.
- (B) The Manager shall issue a development permit if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of the Community Development Code.
- (C) The Manager shall deny the development permit if required approvals are not obtained or the application otherwise fails to comply with code requirements. The notice shall describe the reason for denial.

#### **11.0215 Action on Resubmission of Denied Application**

After an applicant has exhausted all local appeals, an applicant may make appropriate alterations to a proposal and resubmit it with payment of the required processing fee(s). A one (1) year time limit from the effective date of the denial is provided during which the applicant must make such resubmittal. In addition to such resubmittal, and under the same one (1) year time limit an applicant may make a supplemental application under ORS 227.184(2). The supplemental application must include all of the land use applications required to provide a complete development permit procedure review of the proposal. These supplemental applications shall be reviewed concurrently following the highest procedure review type required by any of the application types. This review is not subject to the time limits of Section 11.0212(A). The total local review time period for this supplemental application shall not exceed 240 days from the date of application completeness per ORS 227.184(2).

#### **11.0216 Submission to Modify an Approval**

A submission to modify an approval, or conditions of approval, shall be reviewed following the same review process type of the approval. The submittal shall include plans and narrative appropriate to address the modification(s) proposed, and applicable code standards pertaining to the modification(s).

#### **11.0217 Request for Staff Interpretation**

A request for staff interpretation shall follow the review process of the Type I Procedure as per Section 11.0202. The request shall include a completed application form, narrative, and filing fee appropriate for interpretation requests. A Staff interpretation is not binding upon either the Planning Commission or the City Council. The City Council has the only ultimate authority to interpret the Gresham Community Development Plan.



## **Section 11.0300**

### **Public Deliberations and Hearings**

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#### General

11.0301 Responsibility of Manager for Hearings

#### Notice

11.0310 Notice of Hearing

11.0311 Public Notice Requirements

11.0312 Notice of Type II Development Applications

11.0313 Procedure for Mailed Notice

11.0314 Time and Cost of Notice

#### Rules and Procedure

11.0320 Rules and Procedure

#### Decision and Findings

11.0330 Decision

11.0331 Findings and Order

11.0332 Record of Proceedings

#### Hearing Body Administrative Rules

11.0340 Challenges to Impartiality

11.0341 Disqualification

11.0342 Participation by Interested Officers or Employees

11.0343 Ex Parte Contacts

11.0344 Abstention or Disqualification

11.0345 Rights of Abstaining or Disqualified Member of the Hearing Body

11.0346 Burden and Nature of Proof

11.0347 Order of Proceedings

### **General**

#### **11.0301 Responsibility of Manager for Hearings**

The Manager shall:

- (A) Schedule the matter for review and hearing.
- (B) Provide public notice.
- (C) Prepare minutes to include the decision on the matter heard, and the reasons for the decision.
- (D) Mail a copy of the decision to those required to receive such information.

## Notice

### **11.0310 Notice of Hearing**

Notice of a hearing shall be reasonably calculated to give actual notice, and shall contain the following:

- (A) The name and address of the applicant or the applicant's representative.
- (B) The date, time, and place of the hearing.
- (C) A description of the subject property reasonably sufficient to inform the public of the location, including but not limited to the use of a map or postal address and a subdivision lot and block designation, a metes and bounds description, or the tax map designation of the county assessor.
- (D) The nature of the proposed use or development.
- (E) A statement that all interested persons may appear and provide testimony, and that only those participating at the hearing, or in writing, shall be entitled to appeal.
- (F) The sections of the Code that are pertinent to the hearing procedure.
- (G) Where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted.
- (H) A statement that failure to raise an issue in person at the hearing, or in writing prior to or at the hearing, precludes appeal and that failure to specify the criterion to which the comment is directed precludes appeals based on that criterion.
- (I) The name and telephone number of a local government representative to contact for additional information.
- (J) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and copies will be provided at reasonable cost.
- (K) A statement that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and copies will be provided at reasonable cost.
- (L) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

### **11.0311 Public Notice Requirements**

Public Notice, either issued by mail, by site posting, and/or publication in a newspaper of general circulation in the City, shall be provided for Type I - IV Actions as listed in Table 11.0314.

### **11.0312 Notice of Type II Development Applications**

The notice of Type II development applications shall also:

- (A) Provide a 14-day period for submission of written comments prior to the decision;
- (B) State that issues which may provide the basis for an appeal to the Land use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the Manager to respond to the issue;

- (C) List, by commonly used citation, the applicable criteria for the decision;
- (D) Set forth the street address or other easily understood geographical reference to the subject property;
- (E) State the place, date, and time that comments are due;
- (F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
- (G) Include the name and phone number of a local government contact person;
- (H) Briefly summarize the decision making process for the development application decision being made.

#### **11.0313 Procedure for Mailed Notice**

- (A) The records of the Department of Assessment and Taxation shall be used for determining the property owner of record. Addresses for a mailed notice required by this Code shall be obtained from the county's real property tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. The Manager may provide notice to other people than those required by the Code if the Manager believes they are affected or otherwise represent an interest that may be affected by the proposed development. Mortgagees, lienholder, vendors, and sellers receiving notice shall promptly forward a copy by mail to the purchaser.
- (B) All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.

#### **11.0314 Time and Cost of Notice**

- (A) For all Type III hearings, notice shall be mailed, posted, and first published at least 20 days prior to the hearing date. For Type IV Legislative hearings, notice shall be published at least 10 days prior to the hearing date, except for Type IV Vacations and Historic Designations which will be mailed, posted and published at least 20 days prior to the hearing. Any posted notice shall be removed by the applicant within 10 days following the day of the final decision.
- (B) Cost of the initial notice shall be included in the development permit application fee.

**Table 11.0314 Notification Criteria**

| <b>Application Type</b>   | <b>Type of Notification</b>   | <b>Public Comments</b>  |
|---|---|---|
| <b>Type I</b>   | No public notification required   | No public comment period  |
| <b>Type II<sup>1</sup></b>  | A notice shall be posted in a conspicuous place along each street frontage on the affected property.<br>A mailed notice shall be sent to the applicant, all property owners within 300 feet of the subject property, and the City-recognized neighborhood association.  | The public and the neighborhood association has 14 calendar days for the submission of written comments from the date of notification.<br>City departments and other agencies have 15 calendar days for the submission of written comments from the date of proposal routing. |
| <b>Type III<sup>2</sup></b>   | A notice shall be posted in a conspicuous place along each street frontage on the affected property.<br>A mailed notice shall be sent to the applicant, all property owners within 300 feet of the subject property, and the City-recognized neighborhood association.<br>A Notice of Public Hearing shall be published to the general public in a newspaper of general circulation in the City.  | Interested parties may submit written comments to the City prior to the hearing, and/or present information relevant to the proposed project at the public hearing.   |
| <b>Type IV - Comprehensive Plan Amendments:</b><br><br><b>For Type IV Vacations and/or Historic Designations:</b> | A Notice of Public Hearing shall be published to the general public in a newspaper of general circulation in the City.<br><br>In addition to the above required published notice, a notice shall be mailed to parties believed to be interested in the proposal including properties owners within 300 feet of the subject parcel. A notice shall be posted in a conspicuous place along each street frontage on the affected property. | Interested parties may submit written comments to the City prior to the hearing(s), and/or present information relevant to the proposed project at the public hearing(s).<br>Type IV proposals include hearings before the Planning Commission and the City Council.          |

**Table 11.0314 Notes**

- <sup>1</sup> An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedures.
- <sup>2</sup> Plan Map amendment applications on property occupied by a manufactured home park, completes notification procedures as described in Type III actions, and shall also be mailed to all tenants in the manufactured home park. Plan Map amendments include a public hearing before both the Planning Commission and the City Council.

## **Rules of Procedure**

### **11.0320 Rules of Procedure**

Public Hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. Provisions regarding challenges to impartiality, disqualification, abstention, participation by interested officers or employees, ex parte contacts, burden of proof, and the order of proceedings, as referenced in the City Code, are applicable to all hearings.

## **Decision and Findings**

### **11.0330 Decision**

Following the hearing procedure described in Section 11.0347, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal. A final local decision on an application for a development permit shall be made within 120 days from the date the application was deemed to be complete, except that, with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed 6 months from the date of the first hearing on the matter.

### **11.0331 Findings and Order**

The hearing body shall prepare findings of fact and an order, which shall include:

- (A) A statement of the applicable criteria against which the proposal was tested.
- (B) A statement of the facts that the hearing body found establishing compliance or noncompliance with each applicable criteria, and assurance of compliance with applicable standards.
- (C) The reasons for, and decision to, approve, conditionally approve, or deny a proposal.

### **11.0332 Record of Proceedings**

The secretary to the hearing body shall be present at each hearing, and shall cause the proceedings to be recorded stenographically or electronically.

- (A) Testimony shall be transcribed if required for judicial review.
- (B) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented, and shall have the items marked to show the identity of the person offering the item and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified on the exhibit, or otherwise disposed of.
- (C) Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.
- (D) A person shall have access to the record of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

## **Hearing Body Administrative Rules**

### **11.0340 Challenges to Impartiality**

- (A) Except for Type IV hearings, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered by personal service to the Manager not less than 48 hours preceding the time set for the public hearing.
- (B) The Manager shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenged person shall have an opportunity to respond orally and in writing to the challenge. The challenge shall be incorporated into the record of the hearing.

### **11.0341 Disqualification**

Except for Type IV hearings, no member of a hearing body may participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist;

- (1) Any of the following have a direct or substantial financial interest in the proposal: the member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- (2) The member owns property within the area entitled to receive notice of the public hearing.
- (3) The member has a direct private interest in the proposal.
- (4) For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

### **11.0342 Participation by Interested Officers or Employees**

No officer or employee of the City who has a financial or other private interest in a proposal may participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

### **11.0343 Ex Parte Contacts**

Except for Type IV hearings, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication, on the subject to which the communication relates, with the member at the commencement of the public hearing on the matter.

### **11.0344 Abstention or Disqualification**

Except for Type IV hearings, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

#### **11.0345 Rights of Abstaining or Disqualified Member of the Hearing Body**

- (A) An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, making full disclosure to the hearing body.
- (B) If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall be requalified and shall proceed to resolve the issues.
- (C) Except for Type IV hearings, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

#### **11.0346 Burden and Nature of Proof**

Except for Type IV determinations, the burden of proof is upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Community Development Plan.

#### **11.0347 Order of Proceedings**

An order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- (A) Before receiving information on the issue, the following shall be determined:
  - (1) Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the hearing body has the discretion to proceed or terminate.
  - (2) Any abstentions or disqualifications shall be determined.
- (B) The presiding officer may take official notice of known information related to the issue, such as:
  - (1) A provision of the charter, state law, ordinance, resolution, rule, or officially promulgated policy of the City.
  - (2) Other public records and facts judicially noticeable by law.
- (C) Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (2) of this section if stated for the record. Any matter given official notice may be rebutted.
- (D) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view in the record.
- (E) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

- (F) When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.



## **Section 11.0400 Legislative Actions**

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### General

- 11.0401 Legislative Actions
- 11.0402 Legislative Hearing Notice
- 11.0403 Arguments on Policy
- 11.0404 Council Legislative Action

### General

#### **11.0401 Legislative Actions**

- (A) The following are legislative actions under this code.
- (1) An amendment to this code and the Community Development Plan;
  - (2) A vacation action;
  - (3) Historic or Cultural Landmark Designation;
  - (4) Renaming of existing public streets or assignment of a name to a public street previously platted and recorded without a name.
- (B) A legislative action shall follow the Type IV procedure subject to the modifications and supplements of this section.

#### **11.0402 Legislative Hearing Notice**

Notice of a hearing on a legislative decision under this code need not include a mailing to property owners or posting of property. The Manager shall provide notice to those persons believed to have a particular interest in the proposal. The Manager shall provide notice to the general public through publication in a newspaper of general circulation in the city.

#### **11.0403 Arguments on Policy**

In addition to matters pertaining to compliance with criteria and consistency with the Community Development Plan, a person may provide information and opinion regarding the desirable policy of the city relevant to the proposed legislative matter.

#### **11.0404 Council Legislative Action**

- (A) The council may limit the nature of the information it will receive at the hearing.
- (B) The council may take any of the following steps:
- (1) Enact an ordinance on all or part of the proposal under consideration. In taking this step it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.
  - (2) Refer some or all of the proposal to the planning commission for consideration. If the referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.

## **Section 11.0500 Appeals**

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### General

11.0501 Appeals Procedures

### Notice of Appeals

11.0510 Notice of Appeal

### Review of Appeal

11.0520 Scope of Review

11.0521 Review Body Decision

11.0522 Remand from the Land Use Board of Appeals

### **General**

#### **11.0501 Appeal Procedures**

A decision on issuance of a development permit may be appealed to the hearings body by an affected party by filing an appeal with the Manager within 12 days of the date on the written Notice of the Decision. The notice of appeal shall indicate the decision that is being appealed and include a statement regarding the basis of the appeal, including what approval criteria were improperly evaluated or applied to the decision.

### **Notice of Appeal**

#### **11.0510 Notice of Appeal**

(A) A notice of appeal shall contain:

- (1) An identification of the decision sought to be reviewed, including the date of the decision.
- (2) A statement of the appellant documenting that they were a party to the initial proceedings.
- (3) A detailed statement of the decision that is being appealed and a statement regarding the basis of the appeal, including what approval criteria were improperly evaluated or applied to the decision.

(B) Notice shall be filed with the Community Development Department, together with the filing fee.

(C) Timely filing of the Notice of Appeal and filing fee are jurisdictional acts. If these items are not filed within the time period as provided for in Section 11.0501, or if the notice of appeal does not contain the required content items specified in Section 11.0510(A), the notice of appeal shall not be accepted by the Manager. A decision by the Manager to not accept an appeal within the specified appeal period shall be considered final.

## **Review of Appeal**

### **11.0520 Scope of Review**

- (A) Appeals of decisions shall be before the appeal body identified in **Table 11.0201**. These appeals shall be de novo hearings. Appeal of a Type II decision by a person providing written comments or a person entitled to notice of decision (other than the applicant) must be based on the written comments provided under Section 11.0203(B) of this Code if the action is a limited decision, or, based on statements within the notice of appeal if the action is a non-limited decision.
- (B) The scope of review for an appeal of a Type III decision shall be a review of the record with the right of argument.
- (C) The record shall include:
  - (1) A factual report prepared by the Manager.
  - (2) All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
  - (3) The transcript of the hearing and a detailed summary of the evidence.

### **11.0521 Review Body Decision**

- (A) Upon review, the review body may by order affirm, reverse, or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
- (B) The review body shall render its decision no later than 45 days after the filing of the request for review, and shall file that decision with the Manager within 10 days after it is rendered.
- (C) A party aggrieved by the final determination may appeal the decision to the Land Use Board of Appeals.

### **11.0522 Remand from the Land Use Board of Appeals**

City of Gresham decisions remanded by the Land Use Board of Appeal (LUBA) shall be heard and decided as per Section 11.0521 within 90 calendar days from the date of the remand following the procedures of this section.

## **Section 11.0600**

### **Abatement and Penalty, Fees and Deposits**

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#### General

11.0601 Abatement and Penalty [GRC Section 11.06.010]

11.0602 Fees and Deposits [GRC Section 11.06.020]

#### General

##### **11.0601 Abatement and Penalty [GRC Section 11.06.010]**

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

##### **11.0602 Fees and Deposits [GRC Section 11.06.020]**

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

## **Section 11.0700**

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(Reserved for future Code section)

## **Section 11.0800 Neighborhood Meeting**

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### General

11.0801 Purpose

11.0802 Applicability

### Procedures and Evidence of Compliance

11.0803 Procedures and Evidence of Compliance

### General

#### **11.0801 Purpose**

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

#### **11.0802 Applicability**

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

### Procedures and Evidence of Compliance

#### **11.0803 Procedures and Evidence of Compliance**

The applicant shall comply with the following neighborhood meeting procedures.

##### A. Scheduling of Meeting

1. The neighborhood meeting shall be held after the pre-application conference and before a land use application is submitted to the City.
2. The applicant is required to hold one neighborhood meeting prior to submitting an application for a specific site. Additional meetings may be held at the applicant's discretion.

3. Applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.
4. If the development proposal is modified to an extent that it requires a new or follow-up pre-application conference with City staff, a second neighborhood meeting is required.
5. The date, time and location of the neighborhood meeting shall be coordinated with the recognized neighborhood association in which the proposal is located.
  - a. The applicant shall contact the President and Land Use Chair of the neighborhood association via email to coordinate the early neighborhood meeting. The contact information for the neighborhood association shall be obtained from the City.
  - b. The neighborhood association designees must respond within 5 business days of the request.
  - c. If the neighborhood association designees fail to respond in the time allotted, the applicant may select the date, time and location of the meeting.
  - d. The neighborhood association designees and the applicant must agree upon a date, time and location within 10 business days. If no agreement can be reached, the Manager shall decide on the date, time and location within three business days after discussions with the applicant and neighborhood association President and Land Use Chair.

#### B. Meeting Location and Time

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

#### C. Mailed Notice

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

1. Notice shall be mailed at least 14 and not more than 20 calendar days prior to the scheduled neighborhood meeting.
2. An official list for the mailed notice may be obtained from the City of Gresham for the applicable fee and within 10 business days. A mailing list may also be obtained from other

sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Multnomah County Department of Taxation and Assessment. A mailing list is valid for use up to 45 days from the date the mailing list was generated.

3. The mailed notice shall:
  - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
  - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed development action). The description shall take into consideration information provided by city staff at the pre-application conference.
  - c. Include the website for viewing pre-application meeting notes, and the pre-application conference number.
  - d. Include the name of the neighborhood association in which the subject property is located.
  - e. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development and a conceptual site plan. The conceptual site plan shall take into consideration information provided by city staff at the pre-application conference.
4. A signed and notarized affidavit of the mailed notice is required to demonstrate compliance with this section.
5. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

#### D. Posted Notice

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

#### E. Agenda for Meeting

At the neighborhood meeting, the applicant shall provide a conceptual site plan and describe the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities; proposed building size and height; proposed access and parking; and proposed landscaping, buffering and/or protection of natural resources.



Attendees will have an opportunity to speak at the meeting and may identify any issues that they believe should be addressed.

F. Meeting Notes

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

G. Evidence of Compliance

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

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

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

## **Article XII Map Amendments**

### **Section 12.0000 Plan Map Amendments and Amendments to Map Boundaries**

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#### General

12.0001 Community Development Plan Map Amendments

12.0002 Minor Amendments to the Gresham Urban Services Area Map Boundaries

#### Overlay Districts

12.0010 Overlay District Adjustments

12.0011 Overlay District Boundary Revisions

### **General**

#### **12.0001 Community Development Plan Map Amendments**

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the Community Development Plan Map.

(A) Type III Plan Map Amendments - One Parcel or Small Group of Parcels.

- (1) Property owners or the City may initiate a plan map amendment for one parcel or a small group of parcels under the Type III procedure. Unlike other Type III procedures, the decision of the planning commission on a Type III Plan Map Amendment shall be in the form of a recommendation to the council. The council shall hold another public hearing and make a final decision.
- (2) If an application for a plan map amendment is denied, the property owner may not submit a request for the same plan map designation on the same parcel or small group of parcels within 12 months from the date the previous application was found to be complete.
- (3) Amendment Criteria. The applicant must demonstrate compliance with the following criteria:
  - (a) The proposed designation is consistent with the applicable policies and implementation strategies of the Community Development Code. The applicant must demonstrate that the proposed designation complies with the appropriate locational criteria identified in the Community Development Code.
  - (b) The proposed designation will not negatively impact existing or planned public facilities and services.

- (c) The applicant shall demonstrate compliance with one of the following criteria:
    - (i) A mistake was made in the current designation. The applicant must identify a specific error made during the adoption process of the Community Development Code that, if it had been brought to the attention of the council, would have influenced the council's decision of the appropriate designation; or
    - (ii) The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case by case basis since the impacts of a proposed land use designation and its potential uses vary. The factors to be used in determining suitability are parcel size and location.
  - (d) The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.
- (B) Type IV Plan Map Amendments - Large Area of the City and Multiple Ownerships.
- (1) The City may initiate plan map amendments affecting large areas and multiple ownerships under the Type IV procedure. These map changes include those that have widespread and significant impact beyond the immediate area of change.
  - (2) Amendment Criteria. The City must demonstrate:
    - (a) The proposed designation is consistent with the applicable policies and implementation strategies of the Community Development Code.
    - (b) That the proposed designations comply with the appropriate locational criteria identified in the Community Development Code.
    - (c) The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.

**12.0002 Minor Amendments to the Gresham Urban Services Area Map Boundaries**

- (A) The Gresham Urban Services Area Map Boundaries may be changed for the purposes of minor boundary adjustments within the Urban Growth Boundary when the Gresham, Portland, and Multnomah County Planning Directors agree in writing that the following conditions exist for each amendment.
  - (1) Adjustments are limited to contiguous property within approximately 400 feet of the Urban Service Boundary.
  - (2) The adjustment will improve the efficiency of urban services.
  - (3) The adjustment may include property that has been recently partitioned or subdivided.
  - (4) Adjustments may occur when an emergency threatens public health, safety, and welfare.
- (B) In those areas of Multnomah County where the Metropolitan Urban Growth Boundary and Gresham Urban Service Area Boundary are synonymous, amendments to the Urban Growth Boundary may be cause for similar amendments to the Gresham Urban Service Area Boundary, but only when the Gresham and Multnomah County Planning Directors agree in writing.

## **Overlay Districts**

### **12.0010 Overlay District Adjustments**

The boundaries of the Flood Plain or Hillside Physical Constraint Overlay Districts may be adjusted by the Manager under the Type I procedure and Habitat Conservation Area or Open Space Overlay District boundaries may be adjusted under the Type II procedure when new information has been obtained establishing that the boundary should be changed to fulfill the purpose for the special purpose district.

### **12.0011 Overlay District Boundary Revisions**

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

# Appendix 1.000

## Annexations

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### Purpose

A1.001 Purpose

### Procedures

A1.002 General Procedures

A1.003 Initiation Procedures

A1.004 Expedited Annexation Procedures

### Requirements and Criteria

A1.005 Submittal Requirements

A1.006 Approval Criteria

### Appeals

A1.007 Appeals

## **Purpose**

### **A1.001 Purpose**

The purpose of this section is to establish procedures and criteria under the provisions of Metro Code Chapter 3.09 and Oregon Revised Statutes including, but not limited to, ORS Chapter 222. The provisions of this section are adopted in order to achieve the orderly and efficient annexation of lands to the City that will result in providing a complete range of urban services and consistency with the Community Development Plan.

For the purpose of this section, the term “annexation” means a “boundary change” as used in Metro Code Chapter 3.09. The term includes a “major boundary change”, the formation, merger, consolidation, or dissolution of a city or district; a “minor boundary change”, the annexation or withdrawal of territory to or from a city or district, or from a city/county to a city; and the extra-territorial extension of water or sewer service by a city or district.

A petition for any type of boundary change, other than annexation, shall be processed as provided by state law and Metro Code Chapter 3.09.

## **Procedures**

### **A1.002 General Procedures**

General procedures apply to all annexation proposals except as modified by A1.004 – Expedited Annexation Procedures.

- (A) Annexation proposals shall be considered by the City Council pursuant to Section 11.0205, the Type IV legislative process except there shall be no Planning Commission hearing or recommendation. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.
- (B) Notice of the Council hearing to consider the boundary change proposal shall follow the notification procedures of Table 11.0314 as required for a Type IV Vacations and/or Historic Designations, as well as the uniform notice requirements provided in Metro Code Section 3.09.030.
- (C) A staff report shall be issued prior to the hearing pursuant to the requirements of Metro Code 3.09.050(b).
- (D) The Council shall make, by resolution or by ordinance, the final decision after the public hearing. The decision shall be in writing and shall follow the uniform notice requirements of Metro Code Section 3.09.030(e).

**A1.003 Initiation Procedures**

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

- (A) An annexation proposal may be initiated by petition of property owner(s) of the area to be annexed as set forth in this section.
  - (1) When all of the owners of land in the territory to be annexed and not less than 50% of the electors, if any, residing in the territory to be annexed, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
  - (2) When a majority of the electors registered in the territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in the territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
  - (3) A pre-application conference pursuant to Section 11.0210 is required prior to the submittal of an annexation petition. Early neighborhood involvement as provided in Section 11.0800 is not required. Requirements of annexation will be explained and the appropriate forms as specified in Section A1.005 will be provided.
- (B) An annexation proposal may be initiated by Council, on its own motion, as set forth in this section. The Council may terminate proceedings under this section at any time.
- (C) An annexation proposal may be initiated pursuant to the state law Health Hazard Abatement annexation process.
- (D) An annexation proposal may be initiated pursuant to the state law Island annexation process.

**A1.004 Expedited Annexation Procedures**

- (A) A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
- (B) An expedited boundary change proposal shall be considered by the City Council without a public hearing and may be placed on the Council consent agenda. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.

- (C) The petition requirements for expedited applications must be accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected territory pursuant to Metro Code 3.09.045(a).
- (D) Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures of Table 11.0314 as required for Type IV Vacations and/or Historic Designations, as well as follow the expedited notice requirements provided in Metro Code Section 3.09.045(b).
- (E) A brief report shall be issued at least seven days prior to the decision date pursuant to the requirements of Metro Code 3.09.045(c). The decision record shall demonstrate compliance with the criteria contained in Metro Code 3.09.050(d) and (g).
- (F) An expedited process cannot be used if a necessary party gives written notice to contest the decision pursuant to Metro Code 3.09.045(b).

## **Requirements and Criteria**

### **A1.005 Submittal Requirements**

An applicant for annexation shall submit six copies of the application materials. The City may require additional copies if deemed necessary. The application materials shall include:

- (A) A completed and signed annexation application packet of forms provided by the City.
- (B) A petition, on City forms, completed by property owners and/or electors residing in the affected territory that meets the minimum petition requirements of Metro Code Section 3.09.040 and Section A1.003(A) or Section A1.004(C).
- (C) A metes and bounds legal description of the territory to be annexed, meeting the relevant requirements of ORS 308.225. A lot and block description may be substituted if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
- (D) A map showing the affected territory, any public streets to be annexed and parcels within 300 feet of the affected territory including any public streets. The affected territory shall be identified on the map. The map shall be submitted on an 8-1/2 x 11 inch or 11 x 17 inch map and shall show scale and a north arrow.
- (E) A narrative which addresses the approval criteria set forth in Section A1.006 and Metro Code Sections 3.09.050(d) and, if applicable, (e).
- (F) A request for an expedited procedure if desired by the applicant.
- (G) The applicant shall pay the requisite City fee and remittance deposit for the Metro fee. The City shall forward the Metro fee along with the final decision report pursuant to Metro 3.09.030(e).

### **A1.006 Approval Criteria**

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- (A) The affected territory must be located within the City's Urban Services Boundary.

- (B) The affected territory must be subject to an adopted plan map or land use designation table in Volume 2 of the Community Development Plan. These plan map or land use designations will be applied to the individual sites within the affected territory upon an effective annexation.
  - (1) For annexations within Pleasant Valley, the adopted Pleasant Valley Plan District Plan Map shall apply.
  - (2) For annexations within Springwater, the adopted Springwater District Plan Map shall apply.
  - (3) For annexations within Area #13, the adopted Area #13 Plan Map shall apply.
  - (4) For annexations that are not within an adopted plan map, the adopted Multnomah County – City of Gresham Land Use Conversion table shall apply.
- (C) The affected territory is contiguous to the existing city limits.
- (D) For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e). For purposes of this section, public facilities and services mean “urban services” as defined by Metro Code 3.09 to include sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. It shall also mean police protection.
- (E) A Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37 (effective December 2, 2004). This section only applies to those property owners who have consented in writing to annexation.
- (F) For Pleasant Valley annexation:
  - (1) That either a Master Plan Agreement has been executed providing that a master plan pursuant to Sections 4.1470-4.1485 is required prior to development or;
  - (2) There is an approved master plan for the affected territory.
- (G) That either
  - (1) That funding mechanisms required to construct transportation, wastewater, water, stormwater and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and/or Transportation System Plans are in place or;
  - (2) In lieu, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application.
- (H) That area specific System Development Charges, Transportation Impact Fees and/or Utility Rates identified for an adopted plan area are in effect.

## Appeals

### **A1.007 Appeals**

The City Council decision may be appealed by a necessary party to the Metro Boundary Appeals Commission pursuant to the provisions of Metro Code Section 3.09.070. Any appeal by other parties will be processed according to state law.



## **Appendix 2.000**

### **Expanded List of Permitted Land Uses**

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#### General

- A2.010 Expanded List of Permitted Land Uses-Residential
- A2.020 Expanded List of Permitted Land Uses-Commercial
- A2.030 Expanded List of Permitted Land Uses-Industrial

#### General

**AN EXPANDED LIST OF PERMITTED LAND USES IN EACH LAND USE DISTRICT TO BE DEVELOPED IN A FUTURE PHASE OF THE CODE SIMPLIFICATION PROCESS.**

## **Appendix 3.000 Guarantee Of Completion**

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### General

- A3.001 Guarantee of Completion
- A3.002 Noncompliance with Obligation
- A3.003 Insufficiency of Guarantee of Completion

### General

#### **A3.001 Guarantee of Completion**

When the applicant has an obligation to furnish a guarantee of completion the applicant shall provide such guarantee(s) of completion prior to the issuance of the development permit or the start of construction of privately financed public improvements. The guarantee(s) of completion required by this section or any other section of this code shall be in the form of a bond, cash deposit or other security acceptable to the Manager. The Manager may elect to accept a guarantee of completion that covers more than one obligation. Upon completion of the work and acceptance by the City, the guarantee of completion shall be released or returned.

#### **A3.002 Noncompliance with Obligation**

If the work or any portion of the work guaranteed is not completed in accordance with applicable requirements within the period specified, the guarantee may be used by the City to complete the work and cover City costs.

#### **A3.003 Insufficiency of Guarantee of Completion**

- (A) If a guarantee of completion required by this code is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the city for the obligation shall become a lien in favor of the City upon the real property subject to the obligation.
- (B) The lien attaches upon the entry in the city records of the claim notice. The notice shall state the amount due, demand payment, allege the insufficiency of the guarantee of completion to compensate the city fully for the expense of the fulfillment of the obligation, and allege the applicant's failure to meet the obligation.
- (C) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

## **Appendix 4.000**

### **Historic and Cultural Landmarks**

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#### General

A4.001 Criteria for Designation of Historic and Cultural Landmarks

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

A4.003 Review of Proposed Alterations or Demolition Affecting a Landmark

A4.004 Procedure for a Change in Status or for Removal of Historic or Cultural Landmark Designation

#### General

##### **A4.001 Criteria for Designation of Historic and Cultural Landmarks**

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

- (A) The resource possesses significance in the history of Gresham, Multnomah County, the State of Oregon, or the nation as evidenced by:
  - (1) Association with the lives of persons holding a significant place in the history of the community; or
  - (2) Association with significant past events, trends, or values that may be either cultural, economic, social, or political.
- (B) The resource possesses architectural significance as evidenced by:
  - (1) Embodiment of the distinctive characteristics of a type, period, or method of construction; or
  - (2) Development of the resource early in the sequence of local history; or
  - (3) Rarity of the resource type in the area; or
  - (4) Retention of the integrity of the original design of the resource.
- (C) The resource is representative of the work of a designer, architect, or master builder who influenced the development and appearance of Gresham, the State or Oregon, or the nation.

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

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

- (B) In acting to approve or approve with modifications a proposed landmarks designation, findings shall be made as to the location and quality of the resource and conflicting uses that might affect the resource. Based on such consideration, the council shall act to include the resource in the Inventory as a Class 1 or a Class 2 landmark.
- (C) When designation of a Class 1 or Class 2 landmark occurs by action of the council, the parcel on which the landmark is located shall be indicated on the Community Development Plan Map as being in the HL district. However, for purposes of applying provisions of Sections 5.0321, 5.0322, and 5.0323 of the Community Development Code only the specific site, structure or object designated in the Inventory shall be considered to be the landmark, and other structures, uses and improvements on the parcel shall not be subject to those provisions.
- (D) The City shall notify property owners at three year intervals by first class mail of the existence of a Class I or Class II landmark on their property. The notice shall include a copy of the landmark regulations.

#### **A4.003 Review of Proposed Alterations or Demolition Affecting a Landmark**

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

#### **A4.004 Procedure for a Change in Status or for Removal of Historic or Cultural Landmark Designation**

- (A) Removal of landmark designation from a landmark resource or a change in the status of a landmark as a Class 1 or Class 2 landmark may be proposed by the owner of the landmark, by the Committee, by the planning commission, or by the council. The proposal will be provided to the Committee. The Committee may recommend approval, or approval with modifications, or denial of the proposed removal of landmark designation or change in status, and shall make its recommendation based on findings made in response to the criteria of Section A4.001. The proposal shall be processed under the Type II procedure.
- (B) In acting to approve or approve with modifications a proposal for removal of landmark designation or for a change in status, findings shall be made as to the quality of the resource and its continued eligibility due to compliance with the criteria of Section A4.001. Based on such consideration, action shall be taken to remove entirely or in part landmark designation from the resource, or to change the status of the landmark as a Class 1 or a Class 2 landmark.
- (C) When landmark designation is removed from a resource, or a landmark's status is changed as a Class 1 or Class 2 landmark, the Community Development Plan Map and the Inventory of Historic and Cultural Landmarks shall be revised accordingly.

# Appendix 5.000

## Public Facilities

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### A5.000 General

- A5.001 Policy
- A5.002 Design and Construction Standards
- A5.003 Guarantee of Completion
- A5.004 Warranty Guarantee
- A5.005 Utility Easements Owned by the Public
- A5.006 Subdivisions
- A5.007 Commercial, Mixed Use, Industrial, Moderate and High Density Residential and Community Service Building Permits Development
- A5.008 Suspension and Stop Work
- A5.009 Deferral or In-Lieu-Of Payments for Public Improvements
- A5.010 Plan Check, Inspection

### A5.100 Sanitary Sewer Facilities

- A5.101 General Provisions
- A5.102 Separate Connections
- A5.103 Sewage Pumps/Lift Stations
- A5.104 System Design
- A5.105 Subsurface Sewage Disposal
- A5.106 Termination of the Use of a Subsurface Sewage Disposal System
- A5.107 Use of Public Sewers
- A5.108 Easements

### A5.200 Surface Water Management Systems

- A5.201 General Provisions
- A5.202 Accommodation of Upstream Drainage
- A5.203 Effect on Downstream Drainage
- A5.204 Data Requirements
- A5.205 Drainage Management Practices
- A5.206 Detention Requirements
- A5.207 Subsurface Storm Drainage Facilities
- A5.208 Minimum Design Criteria
- A5.209 Easements
- A5.210 Private Drainage Systems

### A5.220 Stormwater Quality Control Requirements

- A5.220 Stormwater Quality Control Requirements

A5.300 Water Facilities

- A5.301 General Provisions
- A5.302 System Design
- A5.303 Grid System
- A5.304 Connection to Public Water Lines
- A5.305 Water Line Oversizing and Reimbursement
- A5.306 Easements

A5.400 Streets

- A5.401 General Provisions
- A5.402 General Design Requirements
- A5.403 Truck Restrictions
- A5.404 Residential Lot Access to Arterials
- A5.405 Street Surfacing and Improvements
- A5.406 Street Lighting
- A5.407 Street and Traffic Control Sign Standards
- A5.408 Half Streets
- A5.409 Additional Right-of-Way and Street Improvements
- A5.410 Street Names
- A5.411 Traffic Analysis
- A5.412 Utility License Required

A5.500 Transportation System Description and Function

- A5.501 Streets
- A5.502 Intersections
- A5.503 Driveways
- A5.504 Transit Facility Standards
- A5.505 Transitway Standards for Light Rail
- A5.506 Sidewalks
- A5.507 Bicycle Facilities
- A5.508 Pedestrian/Bicycle Accessways
- A5.509 Public Trails
- A5.510 Underground Utilities
- A5.511 Street Trees
- A5.512 Additional Public Facilities Requirements

## **A5.000 - General**

### **A5.001 Policy**

Development shall coincide with provision of adequate public facilities and services including access, drainage, water and sewerage services.

To meet this policy, a development shall be required to provide the above public facilities to serve the site and to extend the public facilities to provide for the logical continuation of the City's utility and street systems. A development may be required to modify or replace existing off-site systems to provide adequate public facilities.

The Manager shall have the authority to review designs, approve plans, inspect construction and accept public improvements, for City ownership, operation and maintenance. The Manager may establish administrative procedures for the above process in order to protect the life, safety, and welfare of the public.

### **A5.002 Design and Construction Standards**

- (A) Design and construction of all public facility improvements shall be in accordance with the "City of Gresham Public Works Design Standards," the "Public Works Standard Drawings," and the "Public Works Standard Construction Specifications." The above three volumes comprise the "City of Gresham Public Works Standards."
- (B) No person shall construct public facility improvements unless the person has met the standards of responsibility as provided by ORS 279C.375(2)(b). The Manager may waive the requirement if in the best interest of the City. If a person is found not to meet the standards of responsibility, the person may appeal within three business days of receipt of notice as provided by ORS 279C.450.

### **A5.003 Guarantee of Completion**

- (A) Prior to construction of any privately financed public improvement, or approval of any final map or plat, a Guarantee of Completion shall be required to ensure the completion of or payment for public improvements and payment of development fees and charges. The Guarantee of Completion shall be for 110 percent of the estimated plan check, administration, inspection and construction costs of the public improvement. The estimated costs shall be determined by the Engineer's estimate, the tabulation of bids or other method acceptable to the Manager.
- (B) The Manager may allow reduction of the guarantee amount as portions of the public improvements are satisfactorily constructed and inspected. Ten percent of the cost of those portions constructed shall be retained as the guarantee amount is reduced. Upon acceptance for ownership and operation, the guarantee shall be released or returned unless required to satisfy the warranty guarantee requirement in Section A5.004.
- (C) The Manager shall establish standard forms for the Guarantee of Completion and an administrative procedure for reduction of guarantee amount when permitted.

### **A5.004 Warranty Guarantee**

- (A) A guarantee of completion for warranty work shall be required prior to City acceptance for ownership and operation of privately financed public improvements. The warranty guarantee shall be for 10 percent of the actual construction cost and will be in effect from the date of acceptance for ownership and operation for a period of two years.
- (B) Repairs required within the warranty period shall be guaranteed for two years from the date of completion of such repair. The warranty guarantee may be incorporated as part of the guarantee of completion for construction or provided separately. The City may require a separate warranty guarantee for any repairs done pursuant to the warranty obligation. Such separate warranty

guarantee shall be for a period of two years from the date of completion of such repairs. The Manager shall establish standard forms and procedures for the warranty guarantee.

#### **A5.005 Utility Easements Owned by the Public**

- (A) Prior to construction of utilities owned by the public outside the public right-of-way or prior to the approval of a final plat or final map on a development for which such off-site utilities are required, applicant shall provide the City with easement documents for the construction, operation and maintenance. The easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.
- (B) For utilities owned by the public serving lots within a subdivision, the location, purpose, grantee and width of the easement shall be shown on the plat map. Descriptions or conditions of the easement shall be shown.
- (C) If the utility owned by the public is outside the plat boundaries or serves areas outside the plat boundary, a separate instrument for the easement shall be required.
- (D) Size of the easements shall be in accordance with the Public Works Standards.

#### **A5.006 Subdivisions**

- (A) In all subdivisions approved under this document, public streets, sewer, water and storm drainage facilities shall be designed and constructed in accordance with City of Gresham Public Works Standards. All construction within the public right-of-way, and publicly owned utility easements shall be in conformance with the above standards.
- (B) When required for continuation of City streets and utility systems, streets, storm drains, sanitary sewers and waterlines shall be extended to the plat boundaries or to a terminus approved by the Manager where physical constraints prohibit compliance. Improvements outside the boundary of a phased subdivision may be staged as determined by the Manager.
- (C) The subdivision plat shall be recorded prior to the issuance of any building permits.
- (D) The Manager may approve issuance of up to 50 percent of the building permits after the public improvements are completed as described below:
  - (1) Sewer and water facilities are complete and operational, constructed to City standards and ready for acceptance (“Final” inspection corrections completed).
  - (2) Storm drain facilities are complete and operational, constructed to City standards and ready for acceptance (“Final” inspection corrections completed).
  - (3) Streets are curbed and at least one lift (2-inch minimum section) of asphalt is installed. Streetlight installations shall be completed and ready for energizing.
  - (4) As-built drawings of the sewer and water systems are submitted and accepted.
  - (5) All site grading is completed and approved in accordance with the City of Gresham Public Works Standards, the City of Gresham Community Development Code and Gresham Revised Code.
- (E) Building permits for model homes may be approved prior to the 50 percent of permit release, subject to the following conditions:
  - (1) One model home is permitted for a subdivision with a total of 20 or fewer lots in all phases. For a subdivision with a total of more than 20 lots in all phases, the maximum number of model homes permitted for each phase shall be 10 percent of the total number of lots in that phase, rounded down to the nearest whole number.
  - (2) The final plat must be recorded prior to issuance of the model building permit.



- (3) The subdivider must select the lot or lots for the model homes and the Manager must approve the selection.
- (4) Fire coverage, including emergency access and water supply, are approved by the Fire Department.

Connection to the sewer, water and storm drain systems will not be permitted until those systems are complete and approved by the Manager.

- (F) 100% release of building permit shall not be allowed until:
- (1) All public improvements necessary to serve structures that could be built pursuant to such building permits have been accepted by the Manager,
  - (2) All fees and charges related to such public improvements have been paid, and
  - (3) All work is completed in accordance with applicable standards including but not limited to this Code and Public Works Standards, the Gresham Revised Code, and applicable conditions of approval.
- (G) If the criteria for 100% release of building permits have not been met, the Manager may elect, if it is in the best interest of the City, to approve release of additional building permits. The Manager shall ensure that the City's and public's interests are adequately protected before releasing any additional permits.

**A5.007 Commercial, Mixed Use, Industrial, Moderate and High Density Residential and Community Service Building Permits Development**

- (A) Commercial, mixed use, industrial, moderate and high density residential and community service building permits shall not be issued until the receipt of engineered drawings and a Guarantee of Completion as per Section A5.003 for any required public improvements.
- (B) Generally, any required public improvements must be completed before occupancy is permitted. Completion of the required public improvements may be required prior to issuance of building permits where Manager determines that it is necessary for the public health, safety and welfare.
- (C) Public improvements required for site design and land partition permits in the above districts may be staged to coincide with the staging of private improvements to the property when the following conditions exist:
- (1) It is impractical to construct all public facilities at the time of the initial development permit due to the scale of development, conflict with planned public improvement projects, or physical constraints.
  - (2) Staging will not jeopardize the logical extension of public facilities or result in significantly increased costs to the public.
  - (3) The staging of public improvements will occur in increments practical for construction.
  - (4) The required off-site public facilities are provided to the original proposed for development.
  - (5) The public facilities provided will be adequate to serve each building permit as it is issued. Staging of public improvements may be allowed for the following permit applications:
    - (a) Partition and site design review where less than all lots created are included in the application for site design review;
    - (b) Site design review which is staged under Article VII of the Development Code;
    - (c) Site design review which does not include the total parcel;
    - (d) A partition without site design review.

- (D) The Manager may elect to withhold final inspection or the issuance of a certificate of occupancy until:
  - (1) All public improvements necessary to serve the structures have been accepted by the Manager, and
  - (2) All fees and charges related to such public improvements have been paid.

#### **A5.008 Suspension and Stop Work**

For public facilities to be installed in compliance with the Public Works Standards of the City of Gresham, the suspension of work shall be in accordance with the Public Works Standards. In addition, the Manager may issue a stop work order pursuant to GRC 7.50.100 et. seq. at any time the work is not in compliance with such standards. The stop work order may apply to work in the public right-of-way, erosion control work, and work pursuant to a building permit to the extent authorized by the building code official.

#### **A5.009 Deferral or In-Lieu-Of Payments for Public Improvements**

The Manager may determine that physical conditions make the required public improvements impractical; there is a lack of rough proportionality between the nature and extent of the required work and the nature and extent of the projected impacts caused by the proposed development; or it would be appropriate to coordinate the required work with improvements funded by other development or the City. In such a case, the Manager may elect to defer the work or require the payment of a cash-in-lieu-of improvement charge in an amount determined by the Manager. If the work is deferred, the property owner shall sign an agreement that commits the property to participate in the future cost of the work.

#### **A5.010 Plan Check, Inspection**

In order to carry out the provisions of Appendix 5, the City shall review and approve plans for, inspect the construction of and accept public improvements in accordance with the following provisions:

- (A) All development shall be subject to the plan check and inspection. This includes, but is not limited to: 1) the review and approval of public improvement plans; 2) the inspection of public improvements constructed; 3) the testing of materials; 4) project administration; and 5) any review provided by City departments related to the project.
- (B) A person required to construct the public improvements shall pay a fee in the amount of actual costs incurred by the City to provide plan check and inspection. The City shall require an advance deposit of the fee and, if costs are anticipated to exceed the deposit, the City may require additional deposit(s) to cover incurred and anticipated costs. The person required to construct the public improvements shall make the required deposit within ten days of the request. Failure to make the additional deposit may result in a suspension of plan check and inspection by the City.
- (C) A person required to construct the public improvements shall do so as required by the Gresham Community Development Code, the Gresham Revised Code, the Gresham Public Works Standards and the condition of approval for the development.
- (D) A public improvement plan is valid for one year from the date of approval of the plan, unless the Manager approves a longer period of time. Thereafter, a Notice to Proceed shall not be issued unless the public improvement plan is resubmitted in compliance with the Public Works Standards in effect at the time the plan is resubmitted. All public improvements shall be completed within two years of the issuance of the Notice to Proceed unless the Manager approves a longer period of time.
- (E) In addition to any other remedy allowed by law, in the event of a breach of any agreement relating to the payment of System Development or Facility Charges for the development or if any money is owed to the City pursuant to this section, the City may suspend plan check and inspection. The City shall not accept the public improvements for ownership and operation until the breach is cured or the money paid.
- (F) As used herein, “public improvement” includes work related to plans submitted pursuant to Section 9.0500, et. seq.

## **A5.100 - SANITARY SEWER FACILITIES**

### **A5.101 General Provisions**

- (A) The applicant shall install sanitary sewerage facilities in a manner prescribed by the Department of Environmental Quality (DEQ) and the City of Gresham. Connection to sewerage lines shall be permitted if the Manager determines that the following facilities have adequate additional capacity to serve the development:
- (1) the interceptor, trunk and feeder lines to the wastewater treatment plant; and
  - (2) the wastewater treatment plant.
- (B) All connections to and uses of the sanitary sewer system shall be made in accordance with the Gresham Revised Code. The DEQ requirements shall be as detailed in the latest OAR, Chapter 340, Division 52 except that the City of Gresham minimum requirements shall be per OAR 340-52 Appendices A, "Guidelines for Public Sewers," and B, "Guidelines for Raw Sewage Lift Stations".
- (C) Sanitary sewer facilities shall be designed and constructed in conformance to the "City of Gresham Public Works Standards."

### **A5.102 Separate Connections**

All lots must have separate connections to the public sanitary sewer system in accordance with all of Chapter 4. Sewer of the Gresham Revised Code (in particular, see Article 4.05.010 Definitions – Sanitary Sewer Main, Article 4.15. Connection to Sanitary Sewerage System Required, and Article 4.20. Building Sewers).

### **A5.103 Sewage Pumps/Lift Stations**

All public sewer improvements for lands divisions and other developments shall be designed to provide gravity service to potential building envelopes for all lots. This shall apply except where topographical and/or jurisdictional limitations exist and gravity sewer service cannot be obtained.

### **A5.104 System Design**

Sanitary sewer system shall be designed for the ultimate population, which shall be determined by the land uses identified by the Community Development Plan. System design shall comply with the Sewer Master Plan. System location, capacity and grade shall allow for extension of future development. Sewer capacities within a subdivision or partition shall be adequate to handle the sewage contributed by that subdivision or partition. Sewer lines through a subdivision or partition shall be sized to be adequate in capacity for ultimate tributary areas outside of the subdivision or partition.

### **A5.105 Subsurface Sewage Disposal**

- (A) Subsurface sewage disposal may be used within the affected area of the mid-Multnomah County Sewer Implementation Plan, subject to Multnomah County and State regulations.
- (B) New subsurface disposal systems may be permitted in those portions of the City outside the mid-Multnomah County sewer implementation plan affected area, subject to the following conditions:
- (1) Only one single family dwelling can be served.
  - (2) The parcel must be an existing lot of record.
  - (3) Parcel and proposed subsurface system must conform to all County and State standards.
  - (4) A public sewer line is not within the vicinity of the property as provided by Chapter Four of the Gresham Revised Code, nor are there plans to extend sewer service through a project identified in the City's Capital Improvement Plan, a proposed sanitary sewer local improvement district, or in conjunction with an approved development permit.

- (5) No new commercial, industrial, multi-family or community service use may be served by a subsurface sewage disposal system.
- (6) The property must not be within the boundaries of a proposed sanitary sewer LID.
- (7) The applicant must agree to connect to the sewer when it becomes available.

An existing commercial, industrial or community service use which is currently using subsurface disposal may expand, if its existing subsurface disposal system can accommodate the increased loading without modification. A licensed sanitarian must confirm the adequacy of the existing system for the proposed expansion of use. An existing single family dwelling presently using subsurface sewage disposal may be remodeled if no additional dwelling units are created.

An existing subsurface disposal system within a parcel being developed which does not fit the above criteria must be abandoned in accordance with Chapter 4 of the Gresham Revised Code, County and DEQ administrative rules, and any buildings remaining as part of the development must be connected to the public sewer system.

#### **A5.106 Termination of the Use of a Subsurface Sewage Disposal System**

Termination of subsurface sewage disposal systems will be in accordance with Gresham Revised Code Chapter 4 and DEQ regulations.

#### **A5.107 Use of Public Sewers**

Use of the public sewer shall be subject to the conditions and restrictions of Chapter 4 of the Gresham Revised Code.

#### **A5.108 Easements**

- (A) When sewer availability or topographic constraints prohibit installation of public sewers within public rights-of-way (i.e. streets), the public sewer line shall be placed in a public easement. Except with the consent of the Engineer, the easement shall be placed on a single property, so as to minimize the disruption of adjacent properties.
- (B) All easement documents and plat language relating to easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.
- (C) Design, dimensioning, and use of sanitary sewer easements shall be in accordance with Public Works Standards.

### **A5.200 - SURFACE WATER MANAGEMENT SYSTEMS**

#### **A5.201 General Provisions**

- (A) Stormwater Drainage System
  - (1) The Manager shall issue a development permit only where there is adequate capacity in the storm drainage system to accommodate the runoff from the site.
  - (2) All storm water from the site shall be conveyed to a point of disposal approved by the Manager.
  - (3) The applicant is responsible for extension of the storm drainage system.

(4) Storm drainage facilities shall be designed and constructed in conformance with the "City of Gresham Public Works Standards."

(B) Stormwater Quality Treatment System

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

(2) Stormwater quality facilities shall be designed and constructed in conformance with the City of Gresham Public Works Standards.

**A5.202 Accommodation of Upstream Drainage**

Any extension of the public storm drainage facilities shall be designed to accommodate all potential runoff from the upstream tributary areas, whether such areas are inside or outside the development. The quantity of runoff to be accommodated shall be based upon the ultimate potential watershed of all upstream development. Upstream development shall be as permitted by the ultimate land use in the Community Development Plan. The basis for the design of all public system improvements shall be the design storm(s) as set forth in the Public Works Design Standards and/or as required by the conditions of approval for the project.

**A5.203 Effect on Downstream Drainage**

Where it is anticipated that the additional runoff incident to the development will overload an existing drainage facility, the approval authority shall withhold approval of the development until provisions have been made for improvement of said potential condition. If development will increase or concentrate runoff across an adjacent private property, written permission must be obtained from the affected property owner.

**A5.204 Data Requirements**

(A) All applications shall include sufficient information for the Manager to evaluate the applicant's intent to convey the site's storm water to an acceptable point of disposal in accordance with Section 9.0500 of this document, and the feasibility of his proposed methods to do so. This information, unless otherwise stated in this document, may be included as part of the site development plan, preliminary map or preliminary plat.

(B) If the site lies within, or partially within, the Hillside Constraint District, the special reports described in Section 5.0200 will be required as part of the application. If the property contains terrain over 15% slope which is outside the mapped Hillside Physical Constraint Overlay District, the Manager may require some or all of those reports be submitted to show the feasibility of the applicant's proposal.

(C) Sufficient data shall be included with any building permit application to show compliance with Sections 9.0510, 9.0513, 9.0514 and A5.200 of this document. The Manager may require that a grading and drainage plan meeting the requirements of Section 9.0502 be submitted with the building permit application. This requirement shall be based on scale of development, significant cuts and fills or likelihood of serious drainage problems.

(D) An approved grading and drainage plan meeting the requirements of Section 9.0502 will be required prior to start of construction or final plat approval for any subdivision.

(E) Floodplain information, delineating the 100-year floodplain limits, shall be shown where it occurs within the development. Floodplain limits shall be based on maps prepared by the U.S. Army Corps of Engineers and the Federal Emergency Management Agency (F.E.M.A.). Where more accurate information is available, it shall be used by the design engineer.

**A5.205 Drainage Management Practices**

Storm drainage systems shall comply with the recommendations and requirements of accepted basin stormwater Master Plans. In the absence of a basin stormwater master plan, or where specific recommendations or requirements do not exist in an accepted master plan, or where downstream facilities

are deemed inadequate by the Manager, a development may be required to employ drainage management practices which minimize the amount and rate of surface water runoff into the public stormwater system. Such storm drainage systems shall comply with the Detention Requirements of Section A5.206 until stormwater master plans are adopted and long-term management systems/structures are available. Drainage management practices may include, but are not limited to:

- (A) Emphasizing natural groundwater infiltration recharge (where supported by soil analysis) and natural drainageways;
- (B) Minimization of impervious surfaces;
- (C) Prevention of uncontrolled runoff from developments;
- (D) Temporary Ponding of Water;
- (E) Permanent Storage basins;
- (F) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion; runoff from impervious surfaces shall be collected and transported to a natural drainageway with sufficient capacity to accept the discharge.

#### **A5.206 Detention Requirements**

Requirements for detention, in accordance with Public Works Design Standards Section 4.0000 – Storm Drainage, shall apply with the following exception:

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

#### **A5.207 Subsurface Storm Drainage Facilities**

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

- (A) A geotechnical investigation is provided which shows the suitability of the soils for the permanent use of infiltration-groundwater recharge systems. Such investigations shall include one or more in-situ, percolation tests conducted in conformance with City of Gresham requirements for such tests and as set forth in the Public Works Design Standards, Section 4.0000 – Storm Drainage.
- (B) The use of infiltration-groundwater recharge disposal will not jeopardize the implementation of a Basin Master Plan or preclude the extension of required major storm drain improvements.
- (C) The use of infiltration-groundwater recharge stormwater disposal complies with the regulatory requirements of the Oregon Department of Environmental Quality (DEQ) Underground Injection Control (UIC) Program. Refer to Chapter 340, Division 44 et. Seq. Oregon Administrative Rules, Construction and Use of Waste Disposal Wells or Other Underground Injection Activities (Underground Injection Control).

On-site systems proposed under this section shall be designed and constructed to meet public facility performance standards in accordance with the Public Works Design Standards, Section 4.0000 – Storm Drainage. Once constructed, the on-site system shall be privately owned, operated and maintained. It shall be the owner's responsibility to maintain or replace the system to prevent runoff to the public right-of-way or other properties.

#### **A5.208 Minimum Design Criteria**

Design Storm - The design storm recurrence interval, and duration, to be used in the design of all public stormwater systems shall be in accordance with the Public Works Design Standards.

### **A5.209 Easements**

- (A) When storm drain availability or topographic constraints prohibit installation of public storm drains within public rights-of-way (i.e. streets), the public storm drain line shall be placed in a public easement. Except with the consent of the Engineer, the easement shall be placed on a single property, so as to minimize the disruption of adjacent properties. Easements may also be required for public stormwater retention, detention and public stormwater quality facilities.
- (B) All easement documents and plat language relating to easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.
- (C) Design, dimensioning, and use of stormwater easements shall be in accordance with Public Works Standards.

### **A5.210 Private Drainage Systems**

When subdivision lots drain to the rear, it may be necessary to provide a private drainage system in private easements. This system shall be for the collection of runoff from roof drains, footing drains, and surface runoff. This system shall be designed to meet the Uniform Plumbing Code requirements. Maintenance of private drainage systems shall be the responsibility of the property owner and/or homeowners association or equivalent. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to the City approval.

## **A5.220 Stormwater Quality Control Requirements**

### **A5.220 Stormwater Quality Control Requirements**

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

## **A5.300 - WATER FACILITIES**

### **A5.301 General Provisions**

- (A) Water distribution systems shall be designed to meet State Water Administrative Rules, and the guidelines of the Water System Master Plan, May, 1986, and its updates.
- (B) Except as authorized by Subsection (C), an applicant for a development permit shall provide for installation of water distribution and fire protection facilities necessary to directly serve the proposed development. Required water system demands shall be met by maintaining the minimum operating pressures required by the City. For single family residential areas, the minimum static pressure shall be 35 psi (pounds per square inch) and the minimum fire flow shall be 1000 gpm (gallons per minute). The facilities shall be connected to an approved existing water system. All water lines shall be located within the public right-of-way or as directed by the City Engineer. The applicant must demonstrate that adequate facilities are available to properly serve the development.
- (C) An applicant for a development permit to construct a single-family dwelling unit on an existing lot of record, when the property is more than 300 feet from a public water main, may construct an on-site private well for water service until a public water main is available to serve the site. Such development shall be exempt from the fire protection facilities requirement when the property is more than 600 feet

from a public water main. When a water line is between 301 feet and 600 feet from the lot, the property owner shall pay for the cost of a fire hydrant and its installation at the terminus of the existing water line prior to issuance of a development permit if a hydrant is needed. The construction of the private well shall meet State of Oregon well standards. Upon construction of a public water main to a lot which abuts a property that is served by a well, the owner will be required to connect to the water system within 12 months from the date the new water main is extended to the abutting lot. Connection to the private well shall be severed upon connection to the public water system unless the property owner installs a City approved backflow prevention device on the public water system. The property owner shall pay the property's fair share of the public water system along the lot's street frontage or through the property in order to provide for the logical continuation of the water system. Prior to the issuance of a development permit, the property owners shall sign an agreement to pay the appropriate share of the waterline construction costs at the time it is constructed.

- (D) Connections to public water systems shall be made in accordance with Chapter 5 of the City of Gresham Code.
- (E) Water distribution systems shall be in conformance with the "City of Gresham Public Works Standards."

### **A5.302 System Design**

Design of a water system to serve a development shall take into account future extensions beyond the development and shall be consistent with the Water Master Plan. Except for a private well water system, as authorized by Section A5.301(C), a water system shall have the proper pressure to assure adequate fire protection and fulfill consumer demand. A water system shall provide the minimum fire flows and pressures required under the Gresham Revised Code Chapter 5. These requirements do not apply to a single-family dwelling unit on an existing lot of record, when the property is more than 300 feet from a public water main, as provided in Section A5.301(C).

### **A5.303 Grid System**

The distribution system mains shall be looped at all possible locations. All developments will be required to extend mains across existing or proposed streets for future extensions by the City or other developments. All terminations shall be planned and located such that new or existing pavement will not have to be cut in the future when the main is extended. Permanent dead-end mains that provide fire protection shall not exceed 250 feet in length. Single mains serving relatively large areas will not be permitted.

### **A5.304 Connection to Public Water Lines**

If more than one water line exists to which a new development may connect, the new development must connect to the City of Gresham water line. A City of Gresham water line is considered available if the City water line is located at the property's boundary, and the property is identified within the same service level as the adjacent water line.

### **A5.305 Water Line Oversizing and Reimbursement**

A development shall be required to build water line facilities in accordance with the Master Plan. If the water line size exceeds the minimum size needed to provide fire, domestic, and irrigation flows to the development, the applicant may be reimbursed by the City for oversizing of the water line. A deferred reimbursement may be permitted, if adjoining properties can connect to the water line.

### **A5.306 Easements**

- (A) When water availability or topographic constraints prohibit installation of public water mains within public rights-of-way (i.e. streets), the public water main shall be placed in a public easement. Except with the consent of the Engineer, the easement shall be placed on a single property, so as to minimize the disruption of adjacent properties.



- (B) All easement documents and plat language relating to easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.
- (C) Design, dimensioning, and use of water easements shall be in accordance with Public Works Standards.

## **A5.400 - STREETS**

### **A5.401 General Provisions**

The City's transportation policies assure public street connectivity in general, and specifically require public street frontage and access for residential parcels. No development permit shall be issued unless the development has frontage or approved access to a public street. Abutting streets shall be dedicated and improved to the "City of Gresham Public Works Standards." No development will be permitted where it will cause traffic generation and an unacceptable Level of Service beyond the street's current carrying capacity including pavement width and signalization. No development permits will be granted where such development will create dangerous or hazardous traffic conditions. "Approved access" may be appropriate as an alternative to the preferred public street frontage for qualified residential flag lots, mixed use and commercial centers, and industrial business parks where access easements promote an acceptable level of public access and street system connectivity.

### **A5.402 General Design Requirements**

- (A) Performance Standards - All street designs shall provide for the safe and efficient travel of motor vehicles, bicycles, and pedestrians. Streets shall be designed to carry the recommended traffic volumes identified for each street classification. Street classifications are set forth in Section A5.501.

Streets shall be designed to meet or exceed minimum guidelines. These guidelines are set forth in the "AASHTO Policy on Geometric Design of Highways and Streets" (latest edition) and the City of Gresham Public Works Standards. Traffic Control Devices shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways", Federal Highway Administration, with Oregon Supplements, Oregon Dept. of Transportation (latest edition).

- (B) Identification - Development plans shall depict which streets are proposed to be the listed classifications in Section A5.501. The plan shall also identify which street section is proposed for each street.
- (C) Level of Service Criteria

An overall Level of Service "D" (approaching unstable flow) is the minimum acceptable peak hour level of service for signalized intersections and segments of streets. At stop-controlled intersections between local streets (or driveways) and arterials/collectors, a peak hour LOS "E" may be acceptable for local street (or driveway) movements, as long as these movements do not create hazardous traffic conditions.

- (D) For Residential Subdivisions and for Attached Dwellings on a Single Lot

The primary local street shall be the local queuing street. The local transitional street shall be used only when consistent with Section A5.501(F)(2) or when exceptions are allowed to the maximum 400 foot block length due to topographic or physical constraints, existing development patterns, or as approved through an adopted Pleasant Valley Master Plan. A cul-de-sac, a minor access street or the

termination of an existing temporary cul-de-sac may be approved consistent with Sections A5.501(F)(4), A5.501(F)(5), and A5.402(E) & (F), or as approved through an adopted Pleasant Valley Master Plan. A local lane may be approved consistent with Section A5.501(F)(3), or as approved through an adopted Pleasant Valley Master Plan.

Street layouts shall be generally rectilinear and may be aligned as physically proper to adapt streets to topographic or other natural conditions; or to provide a variety of alignments or grid patterns within an interconnected street system. Street layouts should discourage the use of local streets by non-local traffic from adjacent collectors and arterials.

Block lengths for local queuing streets shall not exceed 400 feet and for local transitional streets, connectors, community streets, collectors, boulevards, and arterials shall not exceed 530 feet between intersecting streets measured along the nearside right-of-way line. The maximum perimeter of the blocks formed by local and collector streets shall not exceed 1800 feet measured along the nearside right-of-way line. Block and perimeter lengths may be exceeded where precluded by topographic or other physical constraints, or existing development patterns, or as approved through an adopted Pleasant Valley Master Plan; average perimeter of the blocks formed by local and collector streets should be 1000 feet to 1500 feet.

Alleys are encouraged pursuant to Section A5.501(G)(6).

- (E) The Manager may approve a cul-de-sac, a minor access street, or the termination of an existing temporary dead-end street when the following criteria are met:
- (1) Where construction of a through street is impractical due to topography, or existing development patterns, or arterial and collector intersection spacing restrictions, or significant physical constraints such as a jurisdictional wetland, a natural resource area, dedicated open space, a detention facility or waters of the state; and
  - (2) Emergency vehicle access and fire protection are provided satisfactory to the Manager, and Neighborhood circulation is not adversely impacted.
  - (3) A minor access street shall also be consistent with Section A5.501(F)(5).

Note: The criteria in this section is not intended to preclude the use of curvilinear "eyebrow" widening of a local street where needed to provide adequate lot frontage. An eyebrow is not considered a cul-de-sac.

- (F) No land division shall be approved which accesses a permanent dead end street system when:
- (1) the street is in excess of 200 feet, or
  - (2) more than 25 units would access the street, or
  - (3) the street exceeds the allowable grade in the City of Gresham Public Works Standards.

#### **A5.403 Truck Restrictions**

For Collector streets, trucks will be allowed if the trip destination is on a connecting residential or commercial local street.

For Community Street, Local, Local: Queuing Street, Local: Lane, Minor Access Street and Cul-de-sac streets, no trucks will be allowed in residential or commercial areas except local delivery or service vehicles.

#### **A5.404 Residential Lot Access to Arterials**

- (A) When single-family residential development abuts an existing or proposed arterial, the approval authority shall require that access to such streets be limited to one of the following means:
- (1) The lots of the development have access to a local street or alley running parallel to the arterial.

- (2) The lots access cul-de-sacs, lanes or shared driveways. No lots shall derive direct vehicle access to the arterial or collector street.
- (3) Lots adjacent to an arterial, but with frontage on a lower classification street, shall be restricted to access to the lower classification street unless otherwise approved by the Manager.
- (B) When driveway access from arterials is necessary for several adjoining lots, the Manager shall require that such lots be served by a combined access driveway in order to limit possible traffic hazards. The driveway design shall avoid requiring vehicles to back into traffic on arterials.
- (C) If access to a lesser class street is available, an access control strip shall be placed along arterial lot frontages requiring access onto the lesser class street.

#### **A5.405 Street Surfacing and Improvements**

- (A) Public streets, including alleys, within the development shall be improved in accordance with the requirements of this Ordinance, the City of Gresham Public Works Standards, and the requirements of the City Engineer.
- (B) In any area, if the City requires a subdivider or partitioner to install a street with pavement width greater than 48 feet to provide an arterial, boulevard, or collector street, the City may pay that portion of the cost in excess of the cost of a 48 foot street. The City may allow staging of the street improvement requiring a lesser pavement width than is called for in Table A5.501(A), while reserving adequate right-of-way for the future widening to full street standard. If staging is permitted, setbacks for adjoining development shall be determined by the right-of-way requirements for the full street standards found in Sections A5.501. If the ultimate development exceeds a potential of 100 lots or living units and any one of the streets is a collector or arterial, the developer shall pay the entire cost of such street width as determined by the Manager to be necessary to adequately serve anticipated traffic loading.

#### **A5.406 Street Lighting**

- (A) A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures), shall be the financial responsibility of the applicant on all streets upon which the development has frontage.
- (B) A copy of the land division proposal shall be sent to Portland General Electric where a Lighting Plan shall be developed for approval of the Manager.
- (C) All future street lighting shall be high pressure sodium (HPS) vapor lamps, in accordance with City of Gresham Public Works Standards.

#### **A5.407 Street and Traffic Control Sign Standards**

The City shall install all street and traffic control signs in new development and the applicant shall pay for the signs prior to the signing of the final plat or map. Required signing shall be in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" published by the Federal Highway Administration, U.S. Dept. of Transportation, and as designated by the Manager.

#### **A5.408 Half Streets**

Half-street construction is generally not acceptable. Where such a street is justified, the right-of-way and pavement width shall be approved by the City Engineer. In no case shall the pavement width required be less than that required to provide two lanes of traffic to pass at a safe distance. For any local street, the half-street improvement shall be at least 20 feet. Half-streets will only be approved when the abutting or opposite property is undeveloped and the full improvement will be provided with development of the abutting or opposite (upon right-of-way dedication) frontage property.

A development on an unimproved street shall be responsible for constructing a continuous City standard street to a connection with the nearest (publicly-maintained) street.

#### **A5.409 Additional Right-of-Way and Street Improvements**

Except for alterations to single family dwellings, ancillary dwellings and accessory dwellings, whenever existing public street improvements including public streets adjacent to or within a development do not meet city standards, the property owner or developer must construct the public street improvements, including dedication of rights-of-way, to the Gresham Public Works Standards.

#### **A5.410 Street Names**

No street name shall be used that will duplicate or be confused with the name of existing streets in the Portland East Metro area, except for extensions of existing streets. Street names and property numbers shall conform to the City of Gresham Street Naming and Property Addressing Guidelines, a document published separately.

#### **A5.411 Traffic Analysis**

The City Engineer will require a traffic analysis report as determined by the type of development and its potential impact to existing street systems. A traffic analysis will generally be required for a development 1) when it will generate 1,000 vehicle trips per weekday or more, or 2) when a development's location, proposed site plan, traffic characteristics could affect traffic safety, access management, street capacity, or known traffic problems or deficiencies in a development's study area.

The report will be prepared by a licensed traffic engineer in the State of Oregon. At a minimum, the report shall contain the following:

(A) Purpose of Report and Study Objectives

A discussion of key traffic issues to be addressed and the transportation system and development objectives related to a specific development.

General transportation system objectives are:

- (1) to maintain easy and safe traffic flow on surrounding street system;
- (2) to provide effective and safe transfer of vehicle traffic between the site and the street system;
- (3) to provide convenient, safe and efficient on-site and off-site movement of vehicles, pedestrians, transit, service and delivery vehicles, and bicycles;
- (4) to effectively mitigate adverse site-generated traffic impacts on affected streets and intersections. Site-specific objectives may be established by the City for each study.

(B) Executive Summary

A concise summary of the study purpose/objectives, site location and study area, development description, key assumptions, findings, conclusions and recommendations.

(C) Description of Site and Study Area Roadways

A description of the site and study area, existing traffic conditions in the study area, and anticipated nearby development and committed roadway improvements which would affect future traffic in the study area.

The study area will be defined by:

All roads, ramps and intersections through which peak hour site traffic composes at least 5% of the existing capacity of an intersection approach, or roadway sections on which accident character or residential traffic character is expected to be significantly impacted.

(D) On-site Traffic Evaluation

An evaluation of the proposed (and alternative) site access locations, the adequacy of access drive depth, driveway lanes, and queuing storage, the safety and efficiency of proposed vehicular circulation, parking layout, pedestrian and service vehicle routes/facilities, together with recommendations for on-site traffic markings and controls.

(E) Technical Appendix

A technical appendix including worksheets, charts, drawings to support findings described in the body of the report.

(F) Recommendations for Public Improvements

Recommendations should be made for external roadway improvements, such as additional through lanes and turn lanes, and traffic control devices necessitated as a result of the development. Recommended improvements to transit facilities, and pedestrian and bike circulation should also be reported.

The recommendations should specify the time period within which improvements should be made, particularly if improvements are associated with a phased development, the estimated cost of improvements, and any monitoring of operating conditions and improvements that may be needed. If needed street improvements, unrelated to the development, are identified during the analysis, such improvements should be reported.

(G) Access Management

On sites with arterial and collector street frontages, the report shall evaluate and recommend the use of access management plans or techniques:

To separate basic conflict areas. (Reduce number of driveways or increase spacing between driveways and intersections.);

To remove turning vehicles or queues from the through lanes. (Reduce both the frequency and severity of conflicts by providing separate paths and storage area for turning vehicles and queues.)

These techniques may include turn restrictions, striping, medians, frontage roads, channelization of lanes or driveways, shared driveways and access between similar uses, access consolidation, lanes for left or right turns, and other transportation system management (TSM) actions.

(H) A review of alternative access points for site access to highways, city streets, and county roads.

- (I) The analysis of alternate access proposals should include:
  - (1) Existing daily and P.M. peak hour counts, by traffic movements, at intersections effected by generated traffic from the development. (Use traffic flow diagrams.)
  - (2) Projected daily and P.M. peak hour volumes for these same intersections and proposed access points when the development is in full service. (Use traffic flow diagrams.)
  - (3) A determination of the existing levels of service and projected levels of service at each intersection and access points studied.
  - (4) A discussion of the need for traffic signals. This should include a traffic warrant computation based on the National Manual on Uniform Traffic Control Devices.
- (J) The recommendations made in the report should be specific, and should be based on a minimum level of service "D" when the development is in full service. As an example, if a traffic signal is recommended, the recommendation should include the type of traffic signal control and what movements should be signalized. If a storage lane for right turns or left turns is needed, the recommendation should include the amount of storage needed. If several intersections are involved for signalization, and an interconnect system is considered, specific analysis should be made concerning progression of traffic between intersections.
- (K) The report should include a discussion of bike and pedestrian usage and the availability of mass transit to serve the development.

#### **A5.412 Utility License Required**

- (A) The Manager shall not accept a public street improvement for ownership and operation if, within the dedicated public right-of-way or general utility easement, there are any utility facilities that are not authorized by a utility license issued pursuant to GRC Article 6.30.
- (B) No development shall exclude any person who has a utility license issued pursuant to GRC Article 6.30 from installing utility facilities within the dedicated public right-of-way or general utility easement. Such installation shall be coordinated with the developer and other utilities.

### **A5.500 - Transportation System Description and Function**

#### **A5.501 Streets**

Street functional classification refers to the design of streets to accommodate various levels of traffic demand, adjacent land uses, transit service, and bicycle and pedestrian travel. The Functional Classification System Map depicts the classification of all streets designated Freeway through Community Street. All other streets are local streets. Additional Community Streets or Collectors may be identified through development or City initiated Future Street Plans.

The following descriptions and Table A5.501(A) identifies the general functional parameters and design elements for each classification. Specific application of the design elements shall occur through project development and design in compliance with the City of Gresham Public Works Standards.

| Street Classification | Functional Parameters |              |              | Design Elements                                    |              |   |   |   |
|-----------------------|-----------------------|--------------|--------------|--|--------------|---|---|---|
|                       | Volume                | Design Speed | Travel Lanes | Parking  | Bicycle Lane | Median  | Left Turn Lane  | Left Turn Bay                               |
| Principal Arterial    | 35,000-60,000         | 45-55        | 4 to 6       | No   | Yes          | Yes   | No  | Only at major intersections                 |
| Arterial              | 20,000-40,000         | 35-45        | 4            | Within Centers and adjacent to mixed use districts | Yes          | Yes   | Only when necessary to serve adjacent commercial uses | At major intersections and activity centers |
| Boulevard             | 20,000-35,000         | 25-35        | 4            | Within Centers and adjacent to mixed use districts | Yes          | Yes   | Only when necessary to serve adjacent commercial uses | At local streets and major driveways        |
| Collector             | 10,000-20,000         | 25-35        | 2            | Within Centers and adjacent to mixed use districts | Yes          | Adjacent to residential uses and within Centers | Within commercial and industrial areas                | At local streets and major driveways        |
| Community Street      | 3,500-10,000          | 25-35        | 2            | Yes  | Yes          | No  | No  | At major intersections                      |

Where a design element is listed as “No” for a particular classification, that design element is not preferred due to the operational characteristics of that classification, especially design speed and volume. Bicycle lanes shall be required on all streets designated Community Street through Principal Arterial. For other design elements, when “Yes” is listed or other guidance is provided, the particular improvement project depending on specific project development and design.

#### (A) Principal Routes

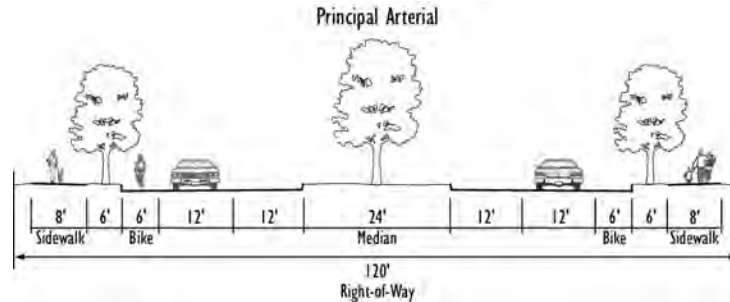
The principal route system provides the backbone for the roadway network. It serves through trips entering and leaving the urban area, inter-city trips, as well as the majority of movements bypassing Portland. This system includes freeways and other principal arterials.

##### (1) Freeway

High speed, high volume arterial roadways with grade separated interchanges, 4 to 6 travel lanes with a median, and fully-controlled property access. Volumes can be in excess of 60,000 vehicles per day.

(2) Principal Arterial

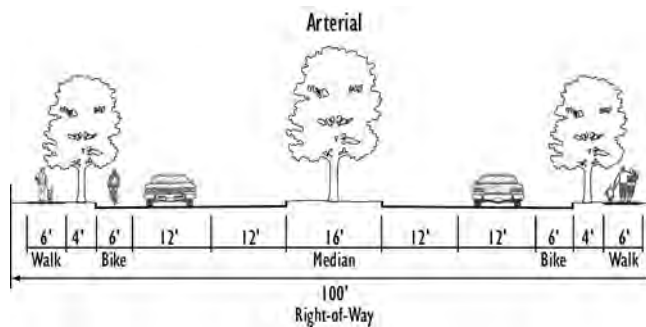
High speed, high volume arterial with four or more travel lanes, limited intersection spacing, and limited property access. It is usually constructed with a median, has connections to the street system generally limited to signalized intersections (arterials and collectors only), and has very limited property access. Volumes can be in excess of 35,000 vehicles per day.



(B) Arterial

These facilities are the supporting elements of both the principal routes and collector systems. Arterials, in combination with principal routes, are intended to provide a high level of mobility for travel within the region. All trips from one subarea of the city traveling to other points in the Portland region should occur on a major arterial or principal routes.

Arterials are moderate speed, high volume streets with four travel lanes and a raised median. Traffic volumes are generally between 20,000 and 40,000 vehicles per day.

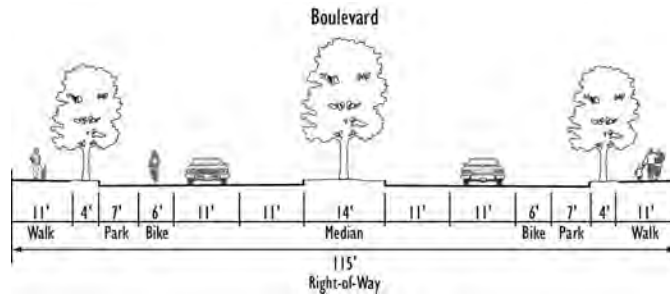


(C) Boulevard

Boulevards are moderate volume, moderate speed facilities located in the Gresham Regional Center (Downtown and Civic Neighborhood) and the Rockwood Town Center. These facilities are designed to support adjacent high-density, mixed-use development and encourage transit and pedestrian access and circulation.



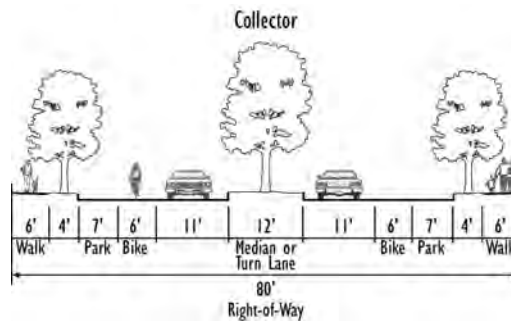
Boulevards provide four travel lanes and may include a raised median and on-street parking. Traffic volumes are typically between 20,000 and 35,000 vehicles per day.



**(D) Collector**

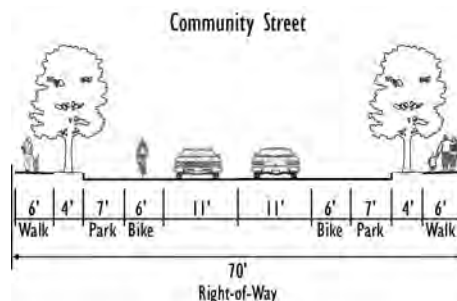
The Collector system provides access between neighborhoods or from neighborhoods to the arterial system. An adequate collector system is needed to minimize localized movements on principal routes or arterials. Land is directly accessible with emphasis on collecting and distributing trips within an arterial grid.

Collectors are low speed, moderate volume streets with two travel lanes and a raised median, center lane, or left turn pockets. The principal land uses that this designation is meant to serve are elementary schools, smaller industries and warehouse facilities, neighborhood shopping centers, small office buildings including clinics, and neighborhood parks. Traffic volumes will be in the range of 10,000 to 20,000 vehicles per day.



**(A) Community Street**

Community Streets are low speed, low volume streets with two travel lanes. They distribute local trips to larger streets and within neighborhoods. Through trips should be discouraged. Land uses and development which attract a significant volume of vehicle trips from outside the neighborhood area should be discouraged along a Community Street. Principal land uses served will be residential uses and community service uses allowed in residential districts. Traffic volumes will generally be in the range of 3,000 to 10,000 vehicles per day.



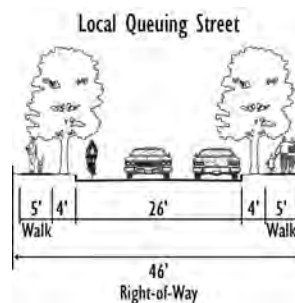
## (F) Local Streets

The local street system is used throughout the city to provide local circulation and direct property access. It provides mobility within neighborhoods and other homogeneous land uses, and comprises the largest percentage of total street mileage.

### (1) Queuing Street

Queuing streets are through streets intended for two way travel. They include one travel lane and two parking lanes. When two vehicles meet on a queuing street, one vehicle must yield by pulling over into a vacant segment of the adjacent parking lane.

- (a) Limits: The 26 feet pavement width local queuing street standard is most appropriate for use in single-family residential districts.
- (b) Pavement: Queuing streets consist of a 26 feet pavement width consisting of one 10 feet travel lane and two 8 feet parking lanes. 46 feet of right-of-way also includes 5 feet sidewalks, 6 inches survey monument area between the sidewalk and the abutting property line, 4 feet tree planter strips and 6 inches curbs. Note: An applicant may increase the right-of-way width up to 50 feet in order to increase the tree planter strip or sidewalk width(s).
- (c) Maximum Block Length: The maximum block length for a queuing street is 400 feet. A queuing street may not terminate in a cul-de-sac, but may temporarily dead end with a planned future street extension.
- (d) Parking: "No Parking" shall be posted within 30 feet of curb return.



### (2) Transitional Street

Low speed, low volume street with two travel lanes. Serves access needs of abutting properties, not to move through-traffic. Volumes will typically be 1,000 vehicles per day or less. The local transitional street standard of 32 feet wide pavement applies in the following areas:

- (a) Continuation of existing local streets in established neighborhoods to the next intersection.
- (b) In multi-family or mixed-use neighborhoods where density precludes queuing streets due to insufficient off-street parking and breaks in on street parking, as determined by the Manager.
- (c) On primary emergency response routes.

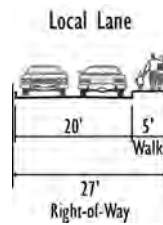
- (d) On local streets where volumes are expected to exceed 800 ADT.



**(3) Lane**

A lane is a short public street which is connected at each end to a street of higher classification. It provides access only to the adjacent homes and provides only non-direct incidental neighborhood circulation.

- (a) Intent: The lane standard is principally intended for infill developments; however, it also may be used on the periphery of neighborhoods where other physical constraints exist, such as open-space, steep terrain, wetlands, watercourse, or natural resource area, or a limited access highway, railroad, or similar barrier. It is not on the direct route from other local streets to the arterial/collector street system. A maximum of 15 dwelling units may be accessed by a lane, or 25 dwellings by two or more connected lanes, or lane system if connections to higher classification streets at each end are completed in the initial phase.
- (b) A lane that is temporarily dead-ended must provide sufficient turn-around for emergency services vehicles and may not provide access to more than 10 dwelling units per lane, or 20 units per lane system (see Figure A12.007, Appendix 12).
- (c) Block Length: Lanes shall not exceed 400' in block length. Lane-to-lane intersections are limited to one per lane system, but will not be considered for block length calculations.
- (d) Pavement: A lane consists of 20 feet of pavement, a 5 foot sidewalk, and 6 inch curbs.
- (e) Parking: No parking shall be posted for the entire lane.



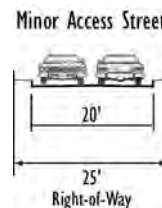
**(4) Cul-de-Sac**

Short, low speed, low volume street with two travel lanes, terminating in a dead-end turnaround. Volumes will typically be 1000 vehicles per day or less.

(5) Minor Access Streets

This street is intended to provide public street access to lots created as part of an infill process where; a cul-de-sac turnaround is not warranted; and there is no opportunity for connection to another public street by a local street or lane.

- (a) Limits: The maximum length of a minor access street shall be 150 feet. No more than six residential units can have frontage and/or access to a minor access street. No more than two residential units may be built beyond the end of the street. The maximum setback from the end of the street to the front of the building shall be pursuant to Table 4.0130(E), Note [7].
- (b) Building Orientation: All buildings shall be oriented to and access the minor access street. Additional on-site parking for one car per dwelling unit must be provided. Public parking for visitors (3-4 spaces) and a branch-type turnaround designed to AASHTO Fig. V-2 shall be provided at the end of the minor access street. A dead-end sign shall be posted at the entrance to the street.
- (c) Pavement: The pavement section shall be 20 feet wide within a 25 feet right-of-way. If the 25 feet right-of-way standard precludes the development due to lot depth standard, a reduction to 20 feet with a utility easement may be approved. No sidewalks are required due to the extremely low traffic volumes on the street. Design Speed is 15 m.p.h.
- (d) Parking: "No Parking" shall be posted for the entire minor access street.



(6) Public Park Access Road

The park access road is a limited purpose classification to address the access needs and requirements within the City's park and recreation facilities, including but not limited to parks, open space, natural areas, and trails. This standard would be applied when the full standard public street design is not necessary due to the limited nature of the access needed to or through park or open space areas. The circumstances of the surrounding land use shall be considered when applying this special function classification.

The intent of this special function is to minimize the impact and intrusion on the natural systems that exist while providing a minimum level of access for emergency services, maintenance and user needs.

- (a) Limits: The park road standard is principally intended to provide emergency service or park user access to an area that does not possess neighborhood circulation requirements. The road may provide public access to a terminal trailhead, allow ingress and egress for maintenance and operation purposes or to be used for emergency services purposes.

The road may be designed with removable traffic control bollards at the entrances to the open space, dependent upon use patterns, to prevent unwanted vehicular traffic. If neighborhood circulation is required in addition to the other requirements, the lane standard may be applied to the road classification.

- (b) **Pavement:** The surface material for the access road shall be dependent upon several factors that are specific to the site, including but not limited to the type of use, frequency of use by vehicles, terrain, and soil type. If warranted by conditions and use, the Standard City Street Pavement Section shall be required. If not warranted, an alternative surfacing material shall be acceptable as approved by the Manager. The pavement section shall be 20 feet wide within a 25 feet right-of-way. Vehicle control devices may be installed to deter vehicular intrusion into the park, open space and natural areas. These include but are not limited to bollards, berms, or 6 inches extruded curb, and should be compatible with the surrounding environment and resistant to vandalism.
- (c) **Parking:** Parking shall be permitted only in designed and designated turnouts and parking areas.
- (d) **Signage:** Signs shall be designed to be compatible with natural character of the site.

**(G) Other Classifications**

Several other specialized classifications have been created to indicate streets with specialized characteristics of major transit routes, private local streets, and scenic routes.

**(1) Transit Street**

A street which serves a significant function of carrying high volume transit service. The traffic carrying function is secondary to its transit service function. Ease of pedestrian movement and pedestrian safety and transit-supportive development are primary considerations on this type of street. This designation is applied in addition to the basic street classification.

Transit streets are designated on selected streets which currently or are planned to have a high frequency of weekday transit service and some service seven days a week. The criteria for transit street designation are:

- (a) Current 20 minute (or better) frequency of service, weekday peaks, and; Daytime and evening service, weekdays and; Weekend service on both Saturday and Sunday; or
- (b) A street designated as a regional transit corridor in a regional growth plan or transportation plan, or designated a high capacity or primary transit route in the Gresham Transportation System Plan.

Future refinement of transit service levels and network may occur through future regional and local transportation system planning processes. On transit streets, special transit design criteria apply to development, as well as citywide standards to create a transit and pedestrian supportive environment.

**(2) Transitway**

A transitway serves as an exclusive right-of-way for transit use, either bus or light rail. A transitway will provide regional trunk route service which will be supported by a network of local feeder buses, transit centers, and park-and-ride facilities.

**(3) Transit Route**

Transit routes are designated on all streets with current but infrequent transit service (that do not meet transit street service criteria). Transit routes are subject to future designation as transit streets, as future refinement of transit service levels and network occurs through the regional and local transportation system planning processes.

#### (4) Private Driveway Accesses

A private driveway access serves a number of dwelling units under condominium unit ownership, or within a manufactured home park, or apartments in those areas where a continuation of a public street system is not needed.

If the use of private driveway accesses may create conflicts with efficient local circulation and emergency access needs, public streets may be required.

#### (5) Scenic Routes

A street which offers unique scenic views and is used as a scenic or recreational drive. Access and traffic restrictions may be imposed to preserve the scenic character. This designation may be applied in addition to the basic street classification (arterial, collector, or local).

#### (6) Alleys

(a) Alleys are allowed in residential developments and can provide efficient lot use, support front yard pedestrian orientation and landscape spaces and reduced lot coverage by driveways. Alleys serve as a common driveway, for access, utilities, and deliveries. Alleys may be provided in commercial and industrial developments with approval by the Manager.

(b) Alleys shall be dedicated to the City and shall meet the same design criteria as other public streets. The exception to those criteria may be centerline radius and design speed. Generally, alleys shall be designed for one-way operation.

(c) Alleys must be constructed continuously from one street to a parallel or intersecting street. All lots must have frontage to a public street. If there are parking restrictions on the public street, additional parking spaces must be provided off of the alley.

### **A5.502 Intersections**

Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.

Arterial Intersections: Exclusive left and right turn lanes will be provided; bus turnouts will be provided if traffic flow and safety conditions warrant; designated crosswalks will be provided at controlled locations; street alignments across intersections shall be continuous.

Community Street and Local Street Intersections: Street and intersection alignments should facilitate local circulation but avoid alignments that encourage non-local through traffic.

Streets shall be aligned so as to intersect at right angles (90 degrees). Angles of less than 75 will not be permitted. Intersection of more than two streets at one point will not be permitted.

New streets shall intersect with existing street intersections so that centerlines are not offset, except as provided in the City of Gresham Public Works Standards. Where existing streets adjacent to a proposed development do not align properly, conditions may be required of the development to provide for proper alignment or prohibit some traffic movements.

### **A5.503 Driveways**

Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street.

On arterial and collector streets and above, one driveway per site frontage will be the normal maximum number. Double frontage and corner lots on these streets may be limited to access from a single street, usually the lower classification street. If additional driveways are approved by the Manager, a finding shall be made that no imminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions. Commercial developments with frontage greater than 250 feet may request an additional driveway if needed.

For classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be allowed.

Curb cuts shall be a minimum of seven feet from the property line, unless a shared driveway is installed or the lot is platted as a zero lot line or platted as an attached single-family lot.

Within commercial, industrial and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generates 100 or more trips per day.

A private driveway shall not exceed a slope of 15 percent. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatments, and embedded heating systems.

**Table A5.503(A) Driveway Locations (Minimum Distance to Curb Return)**

| <b>Street Classification</b> | <b>Residential</b>      | <b>Commercial</b>     | <b>Industrial</b>     |
|------------------------------|-------------------------|-----------------------|-----------------------|
| Principal Arterial           | 100 feet <sup>1,3</sup> | 100 feet <sup>1</sup> | 100 feet <sup>1</sup> |
| Arterial                     | 100 feet <sup>1,3</sup> | 100 feet <sup>1</sup> | 100 feet <sup>1</sup> |
| Boulevard                    | 100 feet <sup>1,3</sup> | 100 feet <sup>1</sup> | 100 feet <sup>1</sup> |
| Collector                    | 45 feet <sup>3</sup>    | 100 feet <sup>1</sup> | 100 feet <sup>1</sup> |
| Community Street             | 45 feet <sup>2,3</sup>  | 100 feet <sup>1</sup> | 100 feet <sup>1</sup> |
| Local Transitional           | 45 feet <sup>2</sup>    | 45 feet               | 45 feet               |
| Local Queuing                | 45 feet <sup>2</sup>    |                       |                       |
| Minor Access Street          | 45 feet <sup>2</sup>    |                       |                       |

Notes:

- 1 Minimum distance from curb return unless this prohibits access to the site.
- 2 Corner lot driveways on a frontage which is less than 75 feet shall be located no more than 7 feet from the interior property line and shall be no more than 24 feet wide.
- 3 Direct access to this street may not be allowed if an alternative exists or is planned.

**Table A5.503(B) Driveway Approach Widths (Minimum/Maximum)**

| Street Classification | Residential          | Commercial         | Industrial         |
|-----------------------|----------------------|--------------------|--------------------|
| Principal Arterial    | N/A <sup>1</sup>     | 12/36              | 12/36              |
| Arterial              | 12/24 <sup>2</sup>   | 12/36              | 12/36              |
| Boulevard             | 12/24 <sup>2</sup>   | 12/36              | 12/36              |
| Collector             | 12/24 <sup>2</sup>   | 12/36              | 12/36              |
| Community Street      | 12/24 <sup>2</sup>   | 12/36              | 12/36              |
| Local Transitional    | 12/24 <sup>2,4</sup> | 12/36 <sup>3</sup> | 12/36 <sup>3</sup> |
| Local Queuing         | 12/24 <sup>2,4</sup> | N/A                | N/A                |
| Minor Access Street   | 12/24 <sup>2,4</sup> | N/A                | N/A                |

Notes:

- 1 Special conditions may warrant access.
- 2 28 feet maximum with 3 car garage (three bays wide).
- 3 Build to Community Street standard.
- 4 In the LDR-5 and LDR-7 Districts, the maximum width is 16 feet on interior lots with less than 45 feet of street frontage. Corner lots accessing the street with less than 36 feet of street frontage as measured from the curb return to property line are limited to a 12 feet driveway width.

**A5.504 Transit Facility Standards**

The following provisions are to ensure access to transit services. All developments shall meet the following standards for transit facilities:

- (A) When development is proposed adjacent to Transit Streets or existing and future Transit Routes.

Development shall be reviewed by Tri-Met which may recommend transit-related facilities to be constructed at the time of development.

Transit facilities recommended by Tri-Met and required by the Manager shall be identified on the site plan to be submitted prior to final approval.

- (B) Transit facilities shall be provided if any portion of a site's arterial street frontage is greater than 600 feet from a controlled intersection or other transit improvements.

Transit facilities shall be located at controlled street intersections, where possible. Transit improvement shall also be provided on streets which are transit streets, current or future transit routes, or other transit routes.

- (C) At a minimum, transit facilities shall include a paved waiting area and signage complying with current transit agency design standards. Sidewalks may serve as a waiting area. The Manager may require additional improvements based on anticipated ridership. These improvements may include bus turnouts, curb extensions, median refuges for pedestrian crossings, bus shelters, public telephones, benches, or pedestrian lights.

Factors which determine the level of transit facility improvements include street classification, length of block, proximity of major pedestrian destinations, and level of Transit Service in adjacent streets, and transit needs of a development.

- (1) Where a transit stop has already been established within 500 feet of the affected development, a new transit stop shall only be provided if recommended by Tri-Met and required by the Manager. Otherwise, the developer shall upgrade the existing stop through provisions of improved waiting facilities (i.e. installation of benches, shelters or landscaping).



(2) Developments that are estimated to generate over 1,000 average daily vehicle trips may be required to provide a transit improvement dedication along the frontage of the transit street for the installation of a bus turnout and other facilities. The need for a turnout will be evaluated by Tri-Met.

(3) A bus stop shall consist of at least a bus stop pad designed in compliance with the Americans with Disabilities Act.

A bus stop pad shall have a minimum clear length of 8 feet (measured from the curb or roadway edge) and a minimum clear width of 5 feet (measured parallel to the roadway) to the maximum extent allowed by legal or site constraints. This passenger area should be located 1 foot from the stopping distance of the bus. The bus stop sign shall be placed 3 feet in front of where the front of the bus stops. The slope of the parallel bus stop pad shall be the same as the roadway.

(4) The location of the bus stop shall be chosen so that there is a connection to an accessible route.

#### **A5.505 Transitway Standards for Light Rail**

(A) Light Rail Transitways should be located on major arterial streets (or less) or within separate rights of way.

(B) In the event that a Light Rail Transitway must be located on an arterial due to infeasibility of alternative routes, the right-of-way shall be designed as a continuous tree-lined boulevard with pedestrian paths.

(C) Light Rail Transitway Stations shall be located, when possible, at locations with 24 hour activity.

(D) The location of ramps, elevators and other parts of the circulation path in new light rail stations shall be placed to minimize the distance wheelchair users have to travel.

(E) Pedestrian crossings for light rail tracks shall have different paving material to distinguish light rail crossing areas from street pavement or exclusively pedestrian areas.

(F) Platform edges bordering a drop-off and not protected by screens or guard rails shall have a detectable warning.

(G) All light rail stations areas, entrances and exits shall be well lighted.

(1) Exterior lighting should be an integral part of architectural and landscape design.

(2) The minimum lighting level for station walkways is 4 footcandles. Lighting shall be pedestrian scale 3 feet to 12 feet and the source of light shall be shielded to reduce glare.

(H) All light rail stations shall have telephones installed in an easily seen and accessible area.

(I) Light Rail shelters shall be designed with public safety in mind. Shelters must be designed so that people can be easily recognized and be seen inside the structure from adjacent streets and designed with two access points/escape routes from both ends or through the structure.

#### **A5.506 Sidewalks**

(A) Public sidewalks are required on the public street frontage of all new residential construction, all commercial and industrial construction that requires a development permit and residential remodeling that involves substantial improvement as defined in Section 3.0010 of this document. Sidewalks will be required along street frontage of dedicated greenway areas. If required, their construction will be the responsibility of the applicant. Construction of sidewalks and driveways will be in accordance with the City of Gresham Public Works Standards. In a subdivision the applicant shall provide a guarantee of completion equal to 110% of the estimated cost to complete construction of sidewalks to assure

complete construction of all public sidewalks within two years of the date the street is accepted for ownership and operation.

- (B) Sidewalks are generally buffered from the roadway to provide for the safety and comfort of pedestrians. Where Planter strips are required, sidewalks shall be 6 inches off the right-of-way line (except cul-de-sacs). Where no planter strips are required, sidewalks shall abut curbs.
- (C) If there are obstructions in the walk, a minimum of 3 feet wide sidewalk area free of obstruction must be maintained at all times. Where possible obstructions should be located outside required sidewalk area.
- (D) All utilities with facilities in the sidewalk area shall locate their facilities to be in conformance with the 36 inch minimum horizontal clearance. A 7 foot vertical clearance above the sidewalk shall be maintained. Federal Americans with Disabilities Act (ADA) requirements shall supersede where in conflict with City standards.
- (E) The Manager may allow modifications to standard sidewalk design and location for the following reasons:
  - (1) Topography
  - (2) To match existing sidewalks
  - (3) To preserve existing trees that are found to be of significant value
  - (4) Right-of-way constraints.
- (F) Sidewalks may meander within the dedicated right-of-way or outside of the right-of-way within an easement with the approval of the Manager.
- (G) New subdivisions shall have sidewalks on both sides of the street, unless the conditions in "E" above apply.

#### **A5.507 Bicycle Facilities**

Bicycle lanes are required on all new or improved principal arterial, arterial, boulevard, collector, and community streets as described in Section A5.502. In addition, the City has adopted the "Gresham Transportation System Plan." This plan summarizes the City's policy and implementation strategies for bicycle facilities within the City and for connection with metropolitan bikeways. The City's plan has adopted both AASHTO and ODOT standards and criteria as the minimum guidelines for bicycle facility design, construction and control.

The City's adopted guidelines for bicycle facilities consist of the following:

- (A) Guide for Development of New Bicycle Facilities 1981
- (B) AASHTO, Oregon Supplements and Exceptions to AASHTO Guide
- (C) Manual on Uniform Traffic Control Devices with Oregon supplements by Oregon Transportation Commission

#### **A5.508 Pedestrian/Bicycle Accessways**

Accessways are intended to link the following uses: A residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.

Public street connections for cars, pedestrians and bicycle circulation are preferable to accessways. Accessways should only be used to ensure connectivity to nearby activities in areas where no other public street options are available.

Off-street bicycle paths in excess of 400 feet in length are not considered accessways and shall be constructed in accordance with requirements of Table A5.610.

(A) Criteria - Accessways shall be provided in the following situations:

- (1) Bicycle and pedestrian connections are required between discontinuous street rights-of-way, where a new street is not feasible; through excessively long blocks; or wherever the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
- (2) Pedestrian and bicycle access shall be provided as follows for all development:
  - (a) To provide direct access to nearby pedestrian/bicycle destination, transit streets or transit facilities to connect with all existing or approved accessways that abut the development site.
  - (b) To provide direct connection of cul-de-sacs and dead end streets to the nearest available street or pedestrian/bicycle destinations.
  - (c) To provide connections from local or cul-de-sac streets to collector or arterial streets.
  - (d) Spacing between full street or accessway connections shall be no more than 330' for residential and mixed-use development, and no more than 530' for commercial and industrial development.
- (3) Accessway Type and Purpose. When required, one of the following accessway types will be deemed appropriate by the Manager during development review:
  - (a) Neighborhood Accessway: Provides neighborhood connections through blocks, links various uses, and promotes direct non-motorized travel.
  - (b) Public/Private Integrated Accessway: Provides dual purpose as part of a private, on-site circulation pattern; with a public easement to link proximate streets, uses, and activities.
  - (c) Park/Natural Area Accessway: Provides neighborhood access to park and natural areas.
- (4) An exception may be made when the Manager determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include, but is not limited to:
  - (a) Other Federal, State, or Local requirements prevent construction of an accessway;
  - (b) The nature of abutting existing development makes construction of an accessway impractical;
  - (c) The accessway would cross an area affected by a special purpose district overlay and the accessway is incompatible with the purposes of the special purpose district;
  - (d) The accessway would cross topography where slopes exceed 30%; and/or
  - (e) The accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.

(B) Street Entry: Except at the end of a cul-de-sac, entry points shall align where possible with safe pedestrian crossing points along adjacent streets and with adjacent street intersections.

(C) Accessways are subject to the following Design Standards:

- (1) All rights-of-way for pedestrian and bicycle accessways shall be dedicated to the City for public use or may be approved as public access easements on private property. Accessways shall be maintained as part of the public right-of-way, or by the underlying landowner if constructed as public easements over private land.
- (2) Right-of-Way or Easement Width
  - (a) Shall be 10 to 12 feet.

- (b) The Manager may approve accessways exceeding 200 feet in length, with adequate right-of-way or easement width to provide for safe pedestrian and bicycle travel.
  - (c) A minimum 15-foot width is required for accessways that also provide for public utility corridors. If an accessway also provides secondary fire access, a minimum 20-foot width is required.
  - (d) Approved easement accessways for public/private integrated use may be reduced to a minimum 8-foot width.
- (3) A clear-vision triangle, the same as for a Residential Driveway, Section 9.0200, shall be provided at the ends of all accessways. Accessways shall be straight enough to allow both ends of the accessway to be seen from the adjacent public streets. On-street parking shall be prohibited within 15 feet of the intersection of an accessway and a public street to preserve safe sight distance.
  - (4) Accessways shall be lighted by pedestrian-scale lighting with a maximum standard height of 12 feet along the accessway unless existing on-site lighting or adjacent street lighting provides adequate accessway illumination as approved by the Manager. Lighting shall not shine into adjacent residences.
  - (5) The construction of stairways shall be avoided whenever possible. Where the path grade would exceed 12% slope, an accessway will be constructed as stairs for pedestrians. Based on local conditions, the Manager may approve alternatives to stairs, including the use of switchbacks and alternative materials. If stairways are needed, they shall be at least 5 feet wide with handrails on both sides.
  - (6) Fencing & Screening: When required for buffering, accessways shall be fenced and screened along adjacent property lines. The area between the pathway and fences shall be planted with a combination of ground cover or low growing shrubs that will reach no more than 2 feet at maturity.
  - (7) Accessways shall be designed to prohibit motorized traffic.
  - (8) Accessway surfaces shall be designed to drain stormwater run-off to the side or sides of the accessway. Maximum cross slope shall be 2%.
  - (9) Pavement width shall generally be 10 to 12 feet. The Manager may approve an accessway of minimum 8-foot width based on specific site constraints. Park/natural area accessways may be hard or soft surface, based on natural area constraints and anticipated level of use.
  - (10) Accessways shall be constructed in accordance with the City of Gresham Public Works Standard Drawings.

#### **A5.509 Public Trails**

- (A) In granting an easement for public trails, the owner shall demonstrate compliance with the following criteria:
  - (1) Recommended width for any trails easement shall be 25 feet or as acceptable to the Manager.
  - (2) Trail easements shall allow for future construction of trails in accordance with specifications as to width and surfacing as contained in the 1996 Gresham Trails Master Plan.
  - (3) Trail easements shall be located within a site in such a manner as to allow the trail to be buffered from existing and proposed dwellings on the site and on adjacent properties, and to maintain the maximum feasible privacy for residents.
  - (4) Trail easements shall be located within a site so that future trails construction will avoid parking and driveway areas and other activity areas which might conflict with pedestrian movements.

- (B) Site area included within a trail easement shall be counted as a portion of the landscaped and open space area required for the proposed development.

#### **A5.510 Underground Utilities**

(A) Purpose:

Overhead utilities and associated poles clutter the streetscape and pose significant obstacles to pedestrian circulation, transit access, and the provision of pedestrian and transit facilities. Placement of utilities underground reduces these obstacles and provides an enhanced environment.

(B) Standards:

- (1) All developments required to obtain a development permit pursuant to Section 11.0101 shall, at the development's own cost, install new utility facilities needed for the development underground and relocate underground all existing utility facilities along all of the development's public street frontages or otherwise in or abutting the development. Utility facilities to be undergrounded include, but are not limited to, electrical, cable and telecommunication facilities and lines connecting traffic signals. The undergrounding requirement shall not apply to development permits obtained by utilities to establish, construct, maintain or terminate electrical power distribution lines and telephone and television cable transmission lines in the Flood Plain Physical Constraint Overlay District, Hillside Physical Constraint Overlay District, in a natural resource district or where the utility would be exempt from obtaining a development permit pursuant to Section 11.0101(7).
- (2) Electric power lines 50,000 volts and above, primary feeder lines, transformer vaults, transformer pads and other utility facilities that the Manager determines would be technically unreasonable to underground are exempted from these requirements.
- (3) If the estimated cost of undergrounding utilities exceeds 10% of the estimated cost to construct public improvements required in conjunction with the development, or exceeds 1% of the total development project value, or the undergrounding requires the removal of two poles or less, or the undergrounding requires alteration of services on other properties; in lieu of undergrounding, the Manager may elect to require the developer to either pay a charge determined by the Manager based on estimated cost of undergrounding and/or relocation or sign an agreement committing the property to participate in the future cost of undergrounding and/or relocation. Notwithstanding any other law, if this "in lieu of" option is utilized, any effected utility shall not be required to bear subsequent undergrounding and/or relocation costs that would not have been incurred if the utility's facilities had been undergrounded pursuant to subsection (1) above.

#### **A5.511 Street Trees**

Street trees located within public rights of way shall comply with standards provided in Section 9.1020.

#### **A5.512 Additional Public Facilities Requirements**

Additional public facilities requirements exceeding those in Appendix 5.000 are required by some land use districts for implementation as part of site design review. Refer to individual districts for such requirements as are applicable.

## **Appendix 6.000**

### **Sign Regulations and Sign Definitions**

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#### General

A6.001 General Provisions

#### Sign Development Permit

A6.010 Permit Requirement

A6.011 Permit Application

A6.012 Installation Inspections

A6.013 Construction

#### Specific Sign Development Provisions

A6.020 Measurements

A6.021 Placement

A6.022 Fascia Sign

A6.023 Projecting Sign

A6.024 Marquees and Awnings

A6.025 Illuminated Awning Sign

#### Signing of Nonconforming Uses

A6.030 Provisions

#### Variance

A6.040 Sign Requirement Variance

#### Exemptions

A6.050 Sign Requirement Exemptions

#### Temporary Signs

A6.060 General Limitations

A6.061 Sign Types

#### Prohibited Signs

A6.070 Prohibited Signs

A6.071 Hazardous Signs

A6.072 Other Prohibited Signs

#### Nonconforming Signs

A6.080 Nonconforming Signs

#### Signs in Residential Land Use Districts

A6.090 Residential Districts

A6.091 Subdivision Signs

A6.092 Multi-Family Dwelling Signs

A6.093 Manufactured Dwelling Park Signs

A6.094 Signs for Permitted Commercial Uses in the OFR District

A6.095 Temporary Signs

#### Signs in Commercial, Mixed Use & Industrial Land Use Districts

A6.100 Commercial, Mixed Use and Industrial Districts

A6.101 Signs for Outdoor Commercial Uses in the MC and CC Districts and in Multi-Business Complexes

## Community Service Development Signs

A6.110 Community Service Development

### Signs for Temporary Uses

A6.120 Signs for Temporary Uses

### A-Board Signs

A6.130 Sidewalk A-Board Signs

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

A6.132 Residential District A-Board Signs

A6.133 Commercial/Industrial District A-Board Signs

A6.134 Limited Duration Event A-Board Signs

### Abatement of Substandard and Dangerous Signs

A6.140 Abatement of Substandard and Dangerous Signs

### Maintenance

A6.150 Maintenance

### Definitions

A6.160 Definitions

## General

### **A6.001 General Provisions**

The installation of all signs within the City of Gresham shall be subject to the issuance of a development permit, establishing compliance with the Community Development Code.

## Sign Development Permit

### **A6.010 Permit Requirement**

An applicant for a sign shall obtain a development permit pursuant to Article XI of the Community Development Code. The application shall be reviewed by the Manager under a Type I procedure. A sign proposal need not comply with Article A5.000, Public Facilities Standards, of the Community Development Code.

### **A6.011 Permit Application**

Applications for the installation of a sign within the City shall include at a minimum the following:

- (A) **Permit Form.** Application for a sign development permit shall be made on forms provided by the City. The application shall include the location of the sign by street number and legal description; the name, address and telephone number of the sign owner and of the applicant.
- (B) **Sign Plans.** The applicant shall submit two copies of plans. These plans must be detailed enough to show compliance with the sign code. The plan is to include:
  - (1) A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates, to include elevations.
  - (2) A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, vehicle area and other buildings or structures on the premises.

- (3) The maximum and minimum heights and clearances of the sign.
- (4) Number, size and location of all existing signs on the same building, lot or premises.
- (5) Structural and mechanical design and engineering data sufficient to ensure the sign's structural stability.

#### **A6.012 Installation Inspections**

- (A) All work for signs requiring a development permit shall be inspected in the following stages:
  - (1) When excavations for supporting footings, pilings, poles or columns have been made and before such excavations have been filled with earth or building materials of any kind.
  - (2) When connecting elements have been installed on supporting buildings or structures, and before the sign is attached to these elements.
  - (3) When electrical work is completed. Electrical signs shall not be energized until the final electrical inspection has been approved.
  - (4) After installation is completed.
- (B) Every permanent sign shall display the name of the sign installer.

#### **A6.013 Construction**

- (A) The construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code.
- (B) All illuminated signs must be installed by a licensed sign contractor, subject to provisions of the Oregon State Electrical Code. All electrically illuminated signs shall bear the Underwriters Laboratory label or equivalent, manufacturer's label, and the installing contractor's label.

### **Specific Sign Development Provisions**

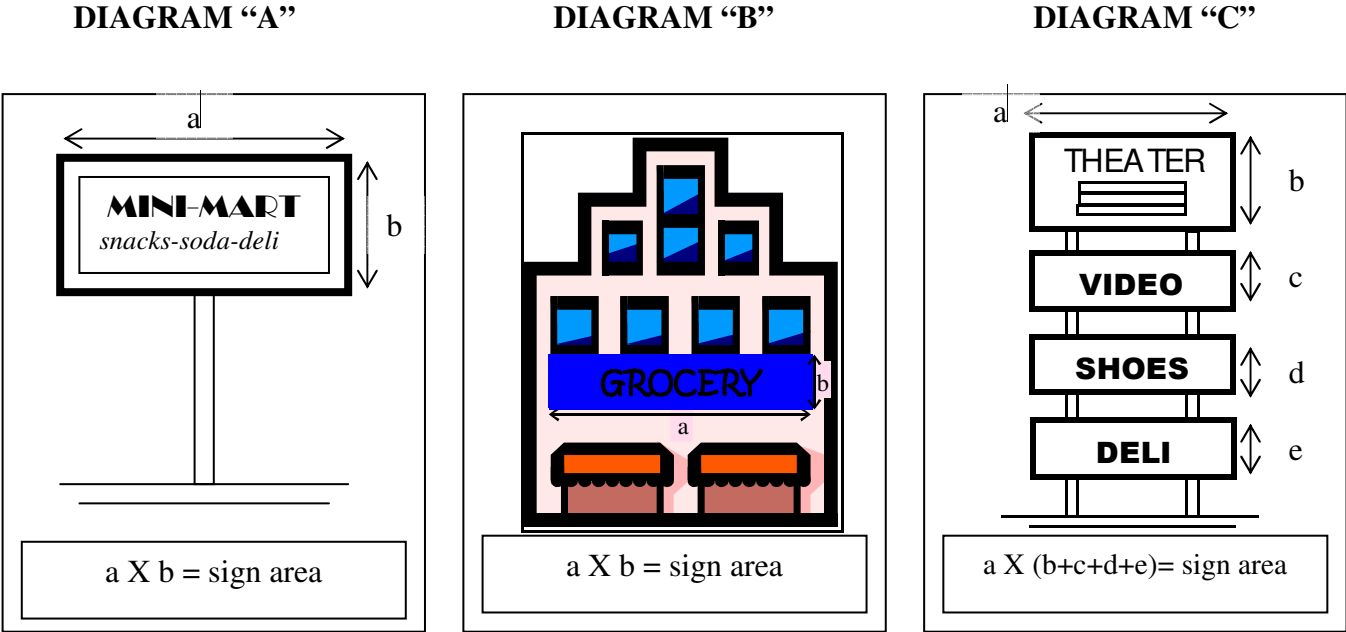
#### **A6.020 Measurements**

- (A) Sign Area.
  - (1) The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations, supports or other essential structures which are not serving as a backdrop or border to the sign. Only one face of a double-faced sign is counted. If a sign has more than two faces, the total area may not exceed twice the area permitted.
  - (2) When a sign is on a base material and attached without a frame, such as a wood board or plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration .
  - (3) When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greater height multiplied by the greater width) around all the pieces.
  - (4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
  - (5) Free standing signs in the RTC, SC, CC, MC, NC, GC, BP, LI and HI Districts: If a site has frontage on more than one street (e.g., a corner lot or a double frontage lot), the street frontage on which the sign is to be located shall be used to determine the maximum area of the sign face.



No more than one frontage may be used for this measurement. For a sign located on the corner of a corner lot, the applicant shall choose one frontage to use for this measurement.

Figure A6.020 - Sign Area Measurements



**A6.021 Placement**

- (A) **Placement.** All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into or over the right-of-way.
- (B) **Frontages.** Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a building frontage may not be placed on another building frontage.
- (C) **Clear Vision Area.** No sign shall be located in the clear vision area as defined in Section 9.0200. No support structure(s) shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

- (D) **Vehicle Area Clearances.** When a sign extends over a private area where vehicles travel or are parked, there shall be a minimum 14 foot clearance. Exception: the bottom of an electric sign or an outline lighting enclosure shall have not less than a 16 foot clearance unless such enclosures are protected from physical damage. In no cases shall the vehicle area clearance be less than 14 feet. Vehicle areas include driveways, alleys, parking lots and loading and maneuvering areas.
- (E) **Pedestrian Area Clearances.** When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, there shall be a minimum 8 foot 6 inch clearance.
- (F) **Required Yards.** Signs may be erected in required yards.

#### **A6.022 Fascia Sign**

No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for permitted electronic message signs which may be up to 24 inches in thickness. Fascia signs may not extend beyond the corner of buildings.

#### **A6.023 Projecting Sign**

The support structure for a projecting sign shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than 1 foot of support structure between the building wall and the sign.

#### **A6.024 Marquees and Awnings**

- (A) Signs may be placed on or incorporated into marquees and awnings provided they do not extend above the upper surfaces of the structure.
- (B) Marquees and awnings containing signs may extend into the right-of-way the same distance as allowed for those that do not contain signs, in accordance with the Uniform Building Code.

#### **A6.025 Illuminated Awning Sign**

- (A) Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings. In accordance with the Uniform Building Code.
- (B) The projection of an illuminated awning sign shall not be less than 3 feet.
- (C) An illuminated awning sign shall be limited to a wall facing a street or adjacent to a pedestrian walkway.

## Signing of Nonconforming Uses

### **A6.030 Provisions**

The following provisions for signs shall apply when a use has been found to be lawfully existing within the provisions of Section 8.0200; the provisions of this section are not intended to allow a sign to exceed the requirements set forth in the sign district within which the subject nonconforming use would be a permitted use.

- (A) **Free Standing Sign.** Any existing free standing sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.
- (B) **Wall Sign.** Any existing wall sign on the premises of a nonconforming use can be maintained, improved or relocated on the premises as long as the maximum area of a wall sign does not exceed 5 percent of the wall area upon which the sign is located. Only one wall sign shall be permitted.
- (C) **Projecting Sign.** Any existing projecting sign on the premises of a nonconforming use can be maintained, improved, or relocated on the premises as long as the change does not increase the total sign area or exceed the height of the existing sign.
- (D) **Readerboard.** A permanent readerboard may be incorporated into any one, but not more than one, of the above permitted signs provided that the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed 40 inches in height. The readerboard may be no more than 60% of the face of the sign.
- (E) **Replacement.** Existing signs for non-conforming uses found in the Commercial, Mixed-Use and Industrial Districts identified in Section A6.100 may be replaced by signs as allowed in that section. Existing signs for non-conforming uses found in the Residential Districts as identified in Section A6.090 through A6.097 may be replaced with signs as allowed in that section or as allowed in Section A6.110.
- (F) **A-board Signs.** Two A-board signs are allowed on a site fronting on a State Highway and having at least 300 feet of linear State Highway frontage. Such A-board signs are not to exceed 32 square feet in area, must be anchored and are to be displayed only during the hours of operation.

## Variance

### **A6.040 Sign Requirement Variance**

Under the provisions of Section 10.1500, Community Development Code, a variance may be requested for all sign regulations except for prohibited signs.

## Exemptions

### **A6.050 Sign Requirement Exemptions**

The following signs shall not require a Development Permit but shall conform to all other applicable provisions of the Gresham Development Code.

- (A) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, name of occupants or premises, or other identification of premises.

- (B) Professional non-illuminated nameplates not exceeding two square feet in area identifying the name and occupation or profession of the occupant of the premises on which the sign is located.
- (C) Signs directing traffic into off-street parking areas. An on-site directional sign(s) shall not exceed 3 square feet in area. A free-standing sign may not exceed 42 inches in height. A wall sign may not exceed 8 feet in height above grade.
- (D) Traffic or other municipal signs, public trail signage consistent with the Gresham Trails Master Plan, directional signs for hospital or emergency services, legal notices, railroad signs, and danger signs.
- (E) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface, or constructed of bronze or other non-combustible surface or when constructed of bronze or other non-combustible material not to exceed eight square feet in area.
- (F) Flags displayed from permanently located free-standing or wall-mounted flagpoles which are designed to allow raising and lowering of flags. The number of such flags shall be limited in number to one per 100 feet of linear frontage, with a maximum of 6 per premises. Such displays shall be kept neat, clean and in good repair.
- (G) Painted wall decorations and painted wall highlights.
- (H) Holiday decorations in season; provided that such decorations shall be removed within 15 days of the passing holiday to which they pertain.
- (I) One time clock and/or scoreboard sign shall be permitted at each athletic field. Such signs shall have a maximum height of 15 feet above grade.
- (J) Athletic Field Signs. Banners or temporary rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any 8 linear feet of fence. The maximum height shall not exceed 8 feet above grade. The sign shall not project above the fence.
- (K) A menu board sign in conjunction with a drive through window shall not be considered a free standing sign or an on site direction sign. It shall be located adjacent to an on site driveway and shall not exceed 6 feet in height and/or 8 feet in width.
- (L) A sign placed on an amateur radio or citizen band antenna support structure provided that the sign is no higher than 10 feet above grade and no larger than 4 square feet in area and which warns: persons not to climb, trespass upon or interfere with the structure; advises of potential radio frequency burn or hazards; bears the FCC-assigned call sign(s) of any amateur station(s) utilizing the structure; and/or advises that damaging the structure is a federal offense and violation of state and local criminal laws.
- (M) An illuminated representation of a multi-family complex which shows the location of the visitor and the unit designations within the complex. The sign(s) shall be positioned at a driveway, shall be free-standing, have a 3 feet to 5 feet 6 inches height, a 7 to 32 square foot area, and be located a minimum of 20 feet back from the property line at the street access point.
- (N) A-board signs subject to Sections A6.030, A6.120 and A6.130.
- (O) Window signs in conjunction with a permitted commercial, industrial, community service use, or, a sales or manager's office associated with a permitted multi-family or PUD facility, provided no more than 50% of the window area is obscured by signage.

## Temporary Signs

### **A6.060 General Limitations**

Temporary signs are generally prohibited, except as provided by this section. Those temporary signs that are permitted are subject to the following limitations:

- (A) **Illumination.** No temporary sign shall be internally or externally illuminated.
- (B) **Location.** No temporary sign shall extend into or over the public right-of-way or the clear vision area.
- (C) **Maintenance.** Temporary signs shall be kept neat, clean and in good repair. Materials used should not fade, tear, rip or otherwise become unsightly during the period of installation.
- (D) **Placement.** Except as provided by this section, temporary signs may not be attached to fences, trees, shrubbery, utility poles, or like items. They shall not obstruct or obscure primary signs on adjacent premises. They shall not create a traffic hazard because of the distractive character to motorists of any such device or the cumulative effect of all such devices.
- (E) **Temporary.** Temporary signs are limited to 90 days, except as otherwise specified.

### **A6.061 Sign Types**

- (A) **Lawn Signs.** Lawn signs shall be pole or wall mounted. Temporary lawn signs and sign structures, if any, must be removed within six months of the date of installation. Pole-mounted lawn signs shall not exceed 42 inches in height. Wall mounted lawn signs shall not exceed 8 feet in height.

The maximum area of a lawn sign shall be 6 square feet in area. Lawn signs shall not require a development permit, but shall conform to all other provisions of the Community Development Code.

- (B) **Rigid Signs.** Temporary rigid signs shall be pole or wall mounted. Temporary rigid signs and sign structures, if any must be removed within one year of the date of installation. Pole mounted rigid signs shall not exceed 8 feet in height. Wall mounted rigid signs shall not extend above the roof line at the wall or above the top of a parapet wall. The maximum area of a rigid sign shall be 16 square feet in area. Rigid signs shall not require a development permit, but shall conform to all other provisions of the Standards Document.
- (C) **Balloon Signs.** One balloon sign per site may be permitted. Balloon signs shall be ground or roof mounted and air-filled. The overall height of a ground mounted balloon sign shall not exceed 25 feet above grade. The overall height of a roof mounted balloon sign shall not exceed 25 feet above the roof top. The display period is limited to 14 days in any 180 day period and 28 days in any 360 day period.
- (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.
- (E) **Special Event Banner Signs.** Permitted in all land use districts when in conformance with the following criteria:
  - (1) Notarized, written consent from the property owner where the banner will be located. The consent shall identify any restrictions that the property owner requires of the permit holder.

- (2) Plans showing the location of the banner; banner height above the right-of-way; support devices for the banner; and proposed dates.
- (3) The display period shall not exceed 25 consecutive days in duration and no more than once in any 12 month period.
- (4) A copy of any liability and/or property damage insurance required by the property owner where the banner will be located.

## **Prohibited Signs**

### **A6.070 Prohibited Signs**

It shall be unlawful for any person to erect, display or maintain, any sign or advertising structure falling within any of the following descriptions:

#### **A6.071 Hazardous Signs**

- (A) Moving signs, or any sign which has any visible moving part or visible mechanical movement of any description, including movement created by normal wind currents. Clocks and barber poles are exceptions.
- (B) Flashing and animated signs, or any signs which achieve apparent movement through electrical pulsations, including strobe lights, and bead lighting, or through animation and/or real images.
- (C) Signs that substantially obstruct free and clear vision of the traveling public at the intersection of any street or driveway.
- (D) Signs that have the potential to distract drivers or interfere with the traveling public's perception of traffic controls, including signs that use the words "STOP", "LOOK", "DANGER", or any other word, phrase, character, symbol, graphic, or use of lighting that is reasonably likely to distract or confuse vehicle operators and impose safety hazards.
- (E) Signs that incorporate reflective type bulbs, or par spot bulbs, or directly visible bulbs of greater than 25 watts capacity. Electronic message center signs are exceptions.
- (F) Signs that incorporate white or blue neon tubing that exceeds 300 milliamperes rating, or other neon tubing that exceeds 120 milliamperes rating.
- (G) Signs that incorporate fluorescent tubing that exceeds an illumination equivalent of 800 milliamperes rating, or a spacing of less than 9 inches, center to center.
- (H) Temporary readerboards, portable readerboards, A-board or sandwich signs or any other portable signs capable of blocking public right-of-way that are not expressly permitted in the Community Development Code.
- (I) Signs that obstruct in any way a fire escape, stairway or standpipe, or interfere with human exit through a window or any room located above the first floor of any building; or any door or required exit from a building, or required light or ventilation source.

#### **A6.072 Other Prohibited Signs**

The following signs or advertising structures are identified as having unnecessary and adverse visual impact on the community:

- (A) Roof signs, fin signs, or any sign structure that is attached to a building that does not conform to the sign standards contained in the Community Development Code.

- (B) Temporary signs, bench signs, banners, pennants, wind signs, balloon signs, flags or any other temporary sign structure that does not conform to the sign standards contained in the Community Development Code.
- (C) Nonconforming signs that have been modified in a manner which is not consistent with the Community Development Code.

## **Nonconforming Signs**

### **A6.080 Nonconforming Signs**

- (A) Nonconforming signs are those signs lawfully installed prior to July 1, 1989, or for which a development permit was issued on or after July 1, 1989, which do not conform to the requirements of the Community Development Code.
- (B) Any nonconforming sign shall be made to comply with the Community Development Code when structural alteration, changes of sign face, or relocation or replacement of a sign occur. However, changes in copy on readerboard or outdoor advertising signs shall be permitted without loss of non-conforming status. On-site or off-site repairing or restoring any part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of non-conforming status.
- (C) Any non-conforming permanent sign installed prior to July 1, 1989, which does not comply with the Community Development Code shall be made to comply, or be removed by July 1, 1999. Any nonconforming permanent sign installed on or after July 1, 1989, shall be made to comply, or be removed by ten years from the date a permit was issued or, in the case that a sign becomes nonconforming after installation, shall be made to comply, or be removed by ten years from the date the sign became nonconforming. Any non-conforming temporary sign installed prior to July 1, 1989, which does not comply with the Community Development Code shall be made to comply, or be removed by January 1, 1990. Non-conforming outdoor advertising signs subject to federal law are not required to comply with this section.
- (D) Signs identified by the Manager as hazardous shall be made to comply with the Community Development Code, or be removed within 90 days of the adoption of this ordinance. Other prohibited signs shall be made to comply with the Community Development Code, or be removed within one year of the adoption of this ordinance.
- (E) Signs located on property annexed to the City after July 1, 1989, and not included in the Intergovernmental Agreement on Planning Services (effective in June, 1986), shall be made to comply with the Community Development Code, or be removed ten years after the effective date of annexation.
- (F) Signs identified as hazardous by the Manager, and located on property annexed to the City after July 1, 1989, and not included in the Intergovernmental Agreement on Planning Services (effective June, 1986), shall be made to comply with the Community Development Code, or be removed within 90 days of the effective date of annexation. Other prohibited signs located on property annexed to the City shall be made to comply with the Community Development Code, or be removed within one year of the effective date of annexation.
- (G) Under the Type III procedure, the hearing body may recognize exceptional non-conforming signs as provided by this section of the Community Development Code. Exceptional signs shall meet all of the following criteria:

- (1) The entire sign structure was constructed at least twenty years prior to the date of application, and has been maintained in its original location, design, and appearance.
  - (2) The entire sign structure is unique in appearance and design, and is clearly outstanding in its visual impact.
  - (3) The sign structure is recognized as a special feature in the city, and considered a unique visual asset.
  - (4) The sign structure has been inspected and certified by a licensed sign contractor and a licensed electrician to be in a safe condition.
- (H) Exceptional signs recognized by the hearing body and signs associated with designated Historic Landmarks are exempt to amortization measures for non-conforming and prohibited signs included in subsections (C) through (F) of this section provided they comply with other applicable standards in the Community Development Code.

## Signs in Residential Land Use Districts

### **A6.090 Residential Districts**

Signs in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, Corridor Multi-Family and OFR Districts and LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts shall be subject to the provision of this section and all other applicable provisions of this ordinance.

### **A6.091 Subdivision Signs**

Signs located within a subdivision shall be subject to the following limitations:

- (A) **Type.** Free-standing sign(s) are permitted for residential subdivisions.
- (B) **Area.** A subdivision sign shall be a maximum of 32 square feet.
- (C) **Height.** A subdivision sign shall not exceed a height of four feet.
- (D) **Number.** One subdivision sign is permitted for a subdivision containing up to 39 units. A second sign is permitted for subdivisions containing 40 or more units.
- (E) **Illumination.** The sign may have external illumination if the lighting is oriented away from streets and adjacent properties. No sign shall be illuminated between the hours of 12:00 a.m. and 7:00 p.m. Internally illuminated signs are not permitted.
- (F) **Maintenance.** The applicant shall submit a maintenance agreement for the sign. The Manager may approve the sign permit if the agreement will ensure long term maintenance of the sign.

### **A6.092 Multi-Family Dwelling Signs**

Signs associated with multi-family developments shall be subject to the following limitations:

- (A) Free-Standing Signs:
  - (1) **Area.** Shall be limited to a maximum of 32 square feet.
  - (2) **Height.** Shall be limited to a maximum height of 8 feet above grade.
  - (3) **Number.** Shall be limited to one per site.



(4) **Illumination:**

- (a) The sign may have external illumination if the lighting is oriented away from streets and adjacent properties.
- (b) The sign may be internally illuminated when the illumination is confined to the lettering and logo. The illuminated areas of the sign shall not exceed 50% of the sign face.
- (c) No sign shall be illuminated between the hours of 12:00 a.m. and 7:00 a.m.

(B) Wall Signs:

- (1) **Area.** Shall be limited to 32 square feet.
- (2) **Types of Signs.** Fascia, awning and painted wall signs are permitted.
- (3) **Height.** No wall sign shall extend above the roofline at the wall or the top of a parapet wall, whichever is higher, but in no case shall the sign exceed a height of 25 feet above grade.
- (4) **Number.** Shall be limited to one per site.

**A6.093 Manufactured Dwelling Park Signs**

Signs located within a manufactured dwelling park shall be subject to the following limitations:

Free-standing Signs:

- (A) **Area.** Shall be limited to 2 square feet per dwelling unit up to a maximum of 32 square feet.
- (B) **Height.** Shall be limited to a maximum height of 8 feet above grade.
- (C) **Number.** Shall be limited to one per site.
- (D) **Illumination:**

- (1) The sign may have external illumination if the lighting is oriented away from street and adjacent properties.
- (2) The sign may be internally illuminated when the illumination is confined to the lettering and logo. The illuminated areas of the sign shall not exceed 50% of the sign face.
- (3) No sign shall be illuminated between the hours of 12:00 a.m. and 7:00 a.m.

**A6.094 Signs for Permitted Commercial Uses in the OFR District**

Signs associated with permitted commercial uses in the OFR District shall be subject to the following limitations:

(A) Free-Standing Signs

- (1) **Area.** Shall be limited to a maximum of 32 square feet.
- (2) **Height.** Shall be limited to a maximum height of 8 feet above grade.
- (3) **Number.** Shall be limited to one per site.

(B) Wall Signs

- (1) **Area.** Shall be limited to a maximum of 32 square feet.

- (2) **Types of Signs.** Shall be limited to fascia, awning and painted wall signs.
  - (3) **Height.** No wall sign shall extend above the roofline at the wall or the top of a parapet, whichever is higher, but in no case shall the sign exceed a height of 25 feet above grade.
  - (4) **Number.** Shall be limited to one per premise.
- (C) Sign Features
- (1) **Illumination.** Signs may be indirectly or internally illuminated.
  - (2) **Readerboard.** A permanent readerboard may be incorporated either in a free-standing sign or a wall sign but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.

#### **A6.095 Temporary Signs**

Pursuant to Section A6.060 the following temporary signs shall be permitted:

- (A) Lawn Signs.
- (B) Rigid Signs. One rigid sign may be permitted on a frontage of at least 300 linear feet.
- (C) Banner Signs. Placement is limited to multiple-dwelling and commercial buildings.

## **Signs in Commercial, Mixed Use & Industrial Land Use Districts**

### **A6.100 Commercial, Mixed Use and Industrial Districts**

Signs in the NC, GC, RTC, SC, CMU, CC, MC, BP, LI and HI Districts and in the NC-PV, MUE-PV, TC-PV, EC-PV, VC-SW, RTI-SW, IND-SW and NC-SW sub-districts shall be subject to the following limitations, except for multi-business complexes (see Section A6.101 for multi-business complexes):

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

- (1) **Area.** The maximum permitted area per sign face shall be 0.4 square feet of sign face area per linear foot of site frontage, up to a maximum of 100 square feet. Regardless of site frontage a minimum of 40 square feet of sign area may be permitted.
- (2) **Height.** The maximum height of any portion of a sign or sign structure shall be 25 feet above grade.
- (3) **Number.** One sign per site shall be permitted, except in BP, LI and HI districts and the EC-PV, RTI-SW and IND-SW sub-districts where industrial users on parcels of 10 acres or larger may have one sign per street frontage. However, no free-standing sign shall be permitted on the same site where there is a projecting sign.

#### (B) Wall Signs:

- (1) **Area.** The maximum permitted area of a wall sign shall be 10% of the wall area upon which the wall is located.
- (2) **Types of Signs.** Fascia, mansard wall, awning, illuminated awning, marquee and painted wall signs are permitted.
- (3) **Height.** No wall sign shall extend above the roof line at the wall or the top of a parapet wall, whichever is higher.
- (4) **Number.** There is no limit on the number of signs if within the total permitted area limit.

#### (C) Projecting Signs:

- (1) **Area.** The maximum permitted area of a projecting sign shall be 18 square feet per sign face.
- (2) **Height.** A projecting sign shall not extend above the roof line at the wall or above the top of a parapet wall, whichever is higher. In no case shall any portion of a projecting sign exceed a height of 25 feet above grade.
- (3) **Clearance.** Projecting signs shall have a minimum clearance of 8 feet between the bottom of the sign and the ground.
- (4) **Location.** Projecting signs may extend into the right-of-way 2 feet except that no portion of the sign shall be closer than 30 feet from the centerline of an existing right-of-way.
- (5) **Number.** One sign per site shall be permitted. However, no projecting sign shall be permitted on the same site where there is a free-standing sign.

#### (D) Under Marquee Signs:

- (1) **Area.** The maximum permitted area of an under marquee sign shall be 8 square feet per sign face. The maximum vertical height of a sign face shall be 2 feet.
- (2) **Clearance.** A minimum 8 foot, 6 inch clearance shall be maintained between the sign and the ground. No sign can project past the outer edge of the marquee.

- (3) **Number.** One sign per premise shall be permitted.
- (E) On-Site Directory Signs:
  - (1) **Area.** A 3 square foot sign panel is permitted for each business or activity on the site.
  - (2) **Location.** On-site directory signs shall be located a minimum of 20 feet back from the property line at the street access point.
  - (3) **Number.** One on-site directory sign is permitted for each street access point to the development.
- (F) Sign Features
  - (1) **Illumination.** Signs may be indirectly or internally illuminated.
  - (2) **Readerboard.** A permanent readerboard may be incorporated either in a freestanding sign or a wall sign but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.
  - (3) **Electronic Message Center.** An electronic message center may be incorporated into either a free-standing sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed 8 square feet in area.
- (G) Temporary Signs. Pursuant to Section A6.060 the following temporary signs shall be permitted.
  - (1) **Lawn Signs.**
  - (2) **Rigid Signs.** One rigid sign per site frontage shall be permitted. A site frontage of at least 300 linear feet shall be permitted an additional rigid sign. Rigid signs on the same frontage shall be spaced at least 50 feet apart.
  - (3) **Banner Signs.**
  - (4) **Balloon Signs.**

**A6.101 Signs for Outdoor Commercial Uses in the MC and CC Districts and in Multi-Business Complexes**

Signs for outdoor commercial uses in the MC and CC Districts and in multi-business complexes shall be subject to the following limitations:

- (A) Free-standing Signs:
  - (1) **Area.** The maximum permitted area per sign face shall be 0.4 square feet of sign face area per linear foot of site frontage, up to a maximum of 250 square feet. Regardless of site frontage a minimum of 40 square feet may be permitted.
  - (2) **Height.** The maximum height of any portion of a sign or sign structure shall be 25 feet above grade.
  - (3) **Number.** One sign per site street frontage shall be permitted.

- (B) Wall Signs:
- (1) **Area.** The maximum permitted area of a wall sign shall be 10% of the wall area upon which the wall is located.
  - (2) **Types of Signs.** Fascia, mansard wall, awning, illuminated awning, marquee and painted wall signs are permitted.
  - (3) **Height.** No wall sign shall extend above the roof line at the wall or the top of a parapet wall, whichever is higher.
  - (4) **Number.** There is no limit on the number of signs if within the total permitted area limit.
- (C) Under Marquee Signs:
- (1) **Area.** The maximum permitted area of an under marquee sign shall be 8 square feet per sign face. The maximum vertical height of a sign face shall be 2 feet.
  - (2) **Clearance.** A minimum 8 foot, 6 inch clearance shall be maintained between the sign and the ground. No sign can project past the outer edge of the marquee.
  - (3) **Number.** One sign per premise shall be permitted.
- (D) On-Site Directory Signs:
- (1) **Area.** A 3 square foot sign panel is permitted for each business or activity on the site.
  - (2) **Location.** On-site directory signs shall be located a minimum of 20 feet back from the property line at the street access point.
  - (3) **Number.** One on-site directory sign is permitted for each street access point to the development.
- (E) Sign Features:
- (1) **Illumination.** Signs may be indirectly or internally illuminated.
  - (2) **Readerboard.** A permanent readerboard may be incorporated either in a freestanding sign or a wall sign, but not both. The readerboard shall be an integral part of the sign design and shall not exceed 40 inches in height.
  - (3) **Electronic Message Center.** An electronic message center may be incorporated into either a free-standing sign or wall sign, but not both. The electronic message center shall be an integral part of the sign design and shall not exceed 8 square feet in area.
- (F) Temporary Signs: Pursuant to Section A6.060 the following temporary signs shall be permitted.
- (1) **Lawn Signs.**
  - (2) **Rigid Signs.** One rigid sign per site frontage shall be permitted. A site frontage of at least 300 linear feet shall be permitted an additional rigid sign. Rigid signs on the same frontage shall be spaced at least 50 feet apart.
  - (3) **Banner Signs.**
  - (4) **Balloon Signs.**

## Community Service Development Signs

### **A6.110 Community Service Development**

Community Service Developments are permitted in all land use districts. All Community Service Development signs shall conform to the sign standards identified in the specific land use district of the property except for development in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF and OFR Districts and LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts. Signs located in these districts shall comply with the following standards:

(A) Free-standing Signs:

- (1) **Area.** Shall be limited to a maximum of 32 square feet per sign face unless the development is on a site which exceeds two acres in size, in which case the sign may be a maximum of 48 square feet.
- (2) **Height.** Shall be limited to a maximum of 8 feet above grade.
- (3) **Number.** One is permitted unless the development is on a site which exceeds 2 acres in size area and has frontage on 2 arterial streets, in which case another sign is permitted.

(B) Wall Signs:

- (1) **Area.** Shall be limited to a maximum of 32 square feet.
- (2) **Types of Signs.** Fascia, awning and painted wall signs shall be permitted.
- (3) **Height.** Shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher, but in no case shall it exceed a height of 25 feet above grade.
- (4) **Number.** Shall be limited to one per premises.

(C) Illumination:

- (1) May be internally illuminated when the illumination is confined to the lettering and logo. The background of the sign face shall be opaque. The illuminated areas of the sign shall not exceed 50% of the sign face.
- (2) May have external illumination if the lighting is oriented away from streets and adjacent properties.
- (3) Unless the community service use operates on a 24-hour basis or abuts nonresidential designed property, the sign shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(D) **Readerboard Sign.** Except as provided in Section A6.110(E) a permanent readerboard may be incorporated into either, but not both, a wall or free-standing sign provided the readerboard assembly is an integral part of the sign and the readerboard portion of the sign does not exceed 40 inches in height. The readerboard may not be more than 60% of the face of the sign.

(E) **Readerboard Sign - Schools.** In addition to a free-standing sign allowed in Section A6.110(A), a free-standing readerboard sign is also allowed for elementary schools, high schools or colleges. A permanent readerboard sign for these schools in any land use district may be free standing or incorporated into either a wall sign or free-standing sign.

- (1) **Area.** Shall be limited to a maximum of 32 square feet per sign face. If the readerboard assembly is incorporated into another freestanding sign, the maximum area per sign face shall be 52 square feet. If the development is on a site that exceeds two acres in size, the sign may

be a maximum of 68 square feet. If incorporated into a wall sign, the maximum sign area shall be 52 square feet.

- (2) **Height.** Of a free-standing readerboard sign shall be limited to a maximum of 6 feet above grade.
- (3) **Number.** One is permitted per site.
- (F) **Residential Sign.** Notwithstanding the above, a community service use permitted in a residential structure and fronting on a neighborhood collector or local street shall only be permitted one 6 square foot, non-illuminated wall sign.
- (G) **Temporary Signs.** Pursuant to Section A6.060, lawn signs shall be permitted. One rigid sign may be permitted on a frontage of at least 300 linear feet.

### 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.

### A-board Signs

#### **A6.130 Sidewalk A-board Signs**

Within the Downtown Plan District, the Rockwood Town Center District, the Station Center District, the Corridor Mixed-Use District, and Civic Neighborhood Plan District and the Pleasant Valley Town Center sub-district, the Pleasant Valley Mixed Use Employment sub-district and the Springwater Village Center sub-district on public sidewalks and within a multi-business complex on an internal private sidewalk, A-board signs shall be permitted subject to the following criteria:

- (A) May be displayed outdoors during business hours only and shall be removed at the end of the business day.
- (B) Sign is placed within 4 feet of the main entrance to the building or individual business entry.
- (C) Sign placement shall not interfere with pedestrian or vehicular traffic nor with on-street parking and shall have a minimum of 5 feet of unimpeded pedestrian sidewalk maneuvering space for accessibility. It shall not extend into clear vision areas or vehicular circulation areas. 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.
- (D) Sign area is limited to 12 square feet per face.
- (E) The applicant provides a notarized statement acceptable to the City assuming liability for a sign on a public sidewalk.
- (F) No more than one per street level business is permitted.

- (G) Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
- (H) Shall be non-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 of 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.

**A6.132 Residential District A-Board Signs**

Within the Moderate Density Residential-12, Moderate Density Residential-24, Corridor Multi-Family, and Office/Residential Districts, and the LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts, on-premise A-board signs shall be permitted subject to the following criteria.

- (A) One per site street frontage.
- (B) Sign area is limited to 12 square feet per face.
- (C) May be displayed outdoors during the hours of 8 a.m. to 8 p.m. only and shall be removed at the end of the business day and no later than 8 p.m.
- (D) 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 of unimpeded pedestrian sidewalk maneuvering space for accessibility.
- (E) 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.
- (F) Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
- (G) Shall be non-illuminated.



### **A6.133 Commercial/Industrial District A-Board Signs**

Within the Neighborhood, General, Moderate, and Community Commercial Districts, and the TC-PV, MUE-PV, NC-PV, NC-SW and VC-SW sub-districts, and for permitted retail sales in the Business Park, Light Industrial and Heavy Industrial Districts, and EC-PV, RTI-SW and IND-SW sub-districts, on-premise A-board signs shall be permitted subject to the following criteria.

- (A) One per site street frontage.
- (B) Sign area is limited to 12 square feet per face.
- (C) May be displayed outdoors during business hours only and shall be removed at the end of the business day.
- (D) 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 of unimpeded pedestrian sidewalk maneuvering space for accessibility.
- (E) 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.
- (F) Shall be constructed of wood, chalkboard and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.
- (G) Shall be non-illuminated.
- (H) Shall not be permitted in a multi-business complex except pursuant to Section A6.130.

### **A6.134 Limited Duration Event A-Board Signs**

In Residential, Mixed Use and Plan Districts, A-board signs for limited duration events are permitted subject to the following criteria.

- (A) One sign per site street frontage.
- (B) Sign area is limited to 12 square feet per face.
- (C) May be displayed outdoors during the hours of 6 a.m. to 7 p.m. only and shall be displayed no more than 2 consecutive days. Examples of limited duration events are open houses and garage sales.
- (D) Sign shall not extend into or over the public right-of-way, clear vision area, pedestrian circulation area or vehicular circulation area.
- (E) Shall be constructed of wood and/or finished metal. Lettering may be painted or handwritten. Readerboards are not permitted.

## **Abatement of Substandard and Dangerous Signs**

### **A6.140 Abatement of Substandard and Dangerous Signs**

Every sign identified by the Manager as being an abandoned and/or noncomplying sign, is substandard and subject to abatement proceedings before the common council. Signs found by the Manager to be unsafe shall be subject to immediate civil action by the City.

## Maintenance

### **A6.150 Maintenance**

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration. Any sign structure or support that is not maintained is substandard and subject to the abatement procedures of Section A6.140.

## Definitions

### **A6.160 Definitions**

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

**A-Board Sign** A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground. Is normally associated with business activity and is placed-out-of-doors during business hours for display and returned indoors when the business is closed.

**Abandoned Sign.** A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

**Animated Sign.** A sign portraying moving images, either in the form of moving lights, animation, or television like real images.

**Awning Sign.** A sign incorporated into or attached to an awning.

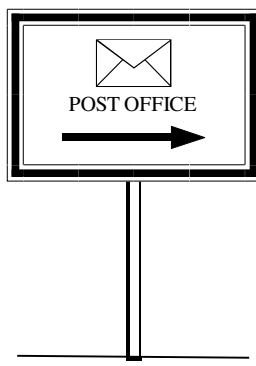
**Illuminated Awning Sign.** A sign made of a translucent flexible covering designed in awning form. Such signs are internally illuminated.

**Balloon Sign.** Any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.

**Banner Sign.** A temporary sign made of fabric or other non-rigid material with or without an enclosing framework.

**Bench Sign.** A sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

**Directional Sign.** A permanent Sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.



**Electronic Message Center Sign.** Signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

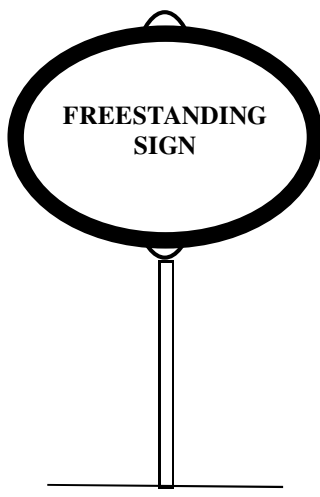
**Fascia Sign.** A single faced sign attached flush to a building.

**Face Sign.** The display portion of a sign.

**Fin Sign.** A sign which is supported by a pole or poles and partly by a building.

**Flap Sign.** A rectangular piece of fabric or other material, of distinctive design, used as a symbol.

**Free-Standing Sign.** A sign on a frame, pole or other support structure which is not attached to any building.



**Direct Illumination Sign.** Exposed lighting or neon tube on the sign face.

**Flashing Illumination Sign.** Lights which blink on and off randomly or in sequence.

**Indirect Illumination Sign.** The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

**Internal Illumination Sign.** The light source is concealed within the sign.

**Installation Sign.** Installation shall include erecting, constructing, re-constructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of a free-standing multibusiness complex sign.

**Maintenance Sign.** Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

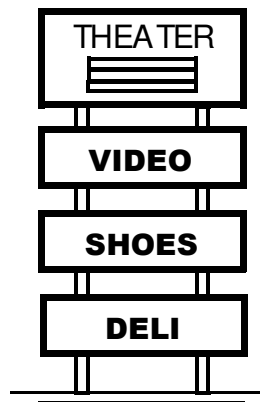
**Mansard Wall Sign.** Any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

**Marquee Sign.** A sign incorporated into or attached to a marquee or permanent canopy.

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

**Moving Parts Sign.** Features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

**Multi-Business Complex Sign.** Premises planned and developed as a unit with an undivided or nonsegregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.



**Nonconforming Sign.** A sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

**On-Site Directory Sign.** A sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

**Outdoor Advertising Sign.** A sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

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

**Painted Highlights Sign.** Painted wall highlights are painted areas which highlight a building's architectural or structural features.

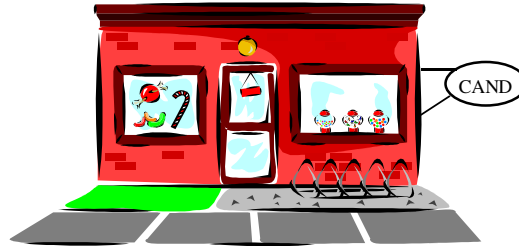
**Painted Wall Sign.** A sign applied to a building wall with paint and which has no sign structure.

**Pennant Sign.** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

**Permanent Sign.** A sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short term use.

**Portable Sign.** A sign designed to be transported which can be free-standing and unattached, or temporarily or permanently attached to the ground, structures or other signs.

**Projecting Sign.** A sign attached and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.



**Repair Sign.** Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

**Readerboard Sign.** A sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

**Roof Sign.** A sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

**Roof Line Sign.** The lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

**Rotating Sign.** Sign faces or portions of a sign face which revolve around a central axis.

**Special Event Banner Sign.** A sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.

**Structure Sign.** A structure specifically intended for supporting or containing a sign.

**Structural Alteration Sign.** Modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

**Temporary Sign.** Any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.

**Temporary Lawn Sign.** A temporary rigid sign no more than 6 square feet in area.

**Temporary Rigid Sign.** A temporary sign made of rigid materials such as wood, plywood and plastic.

**Under Marquee Sign.** A sign which is installed or maintained under and supported or partially supported by a marquee.

**Unsafe Sign.** Any sign determined to be a hazard to the public by the Building Official or authorized representative.

**Wind Sign.** Any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.

**Window Sign, Inside.** A sign mounted or hung on the inside of a window that is visible from outside of the premises. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

**Window Sign, Outside.** A sign mounted or hung on the outside of a window. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

## **Appendix 7.000 Vacations**

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### General

- A7.001 Vacation Procedures
- A7.002 Submittal Requirements
- A7.003 Vacation Criteria
- A7.004 Reservation and Conditions Attached to a Vacation

### General

#### **A7.001 Vacation Procedures**

- (A) A proposal to vacate all or part of any street, alley, plat, greenway, or public place shall be conducted under the Type IV procedure.
- (B) Notice of the hearing shall be mailed to owners of all property situated within 300 feet of the boundaries of the property to be vacated. Notice shall be posted pursuant to Table 11.0313.
- (C) A proposal may be initiated by the council. If the council initiates a proposal, the requirements, of subsection A7.002(D) do not apply.

#### **A7.002 Submittal Requirements**

A proposal may be initiated by petition of the affected property owners. The petition shall include the following:

- (A) A description of the property to be vacated.
- (B) The reason for the vacation.
- (C) The proposed use of the property once vacated.
- (D) The petitioner must attach to the petition the written consents of all the abutting property owners.

#### **A7.003 Vacation Criteria**

The council shall base its decision to vacate property on the following criteria:

- (A) Whether the proposal is consistent with the Gresham Community Development Plan.
- (B) Whether the vacation will substantially reduce the market value of abutting property. This criterion need not be considered if the owners of the property affected consent to the vacation or provisions have been made to pay damages.
- (C) Whether the public interest will be prejudiced by the vacation.

#### **A7.004 Reservation and Conditions Attached to a Vacation**

The council may attach the following reservations and conditions to the approval of a vacation:

- (A) That an easement for a public facility, publicly owned utility or other utility be reserved.

- (B) That a public facility, publicly owned utility or other utility be constructed, relocated or removed.
- (C) That a plat to be vacated be replatted.



## **Appendix 8.000**

### **Solar Access**

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#### Solar Access Standards for Individual Lots

- A8.001 Development Permit for Solar Access
- A8.002 Approval Standards for a Development Permit for Solar Access
- A8.003 Duties Created by Development Permit for Solar Access
- A8.004 Submittal Requirements
- A8.005 Application Review Process
- A8.006 Expiration and Extension of a Development Permit for Solar Access

#### Solar Balance Point Standards

- A8.010 Purpose
- A8.011 Applicability
- A8.012 Solar Site Plan Required
- A8.013 Maximum Shade Point Height Standard
- A8.014 Exemption From the Maximum Shade Point Height Standard
- A8.015 Adjustments to the Maximum Shade Point Height Standard
- A8.016 Analysis of Allowed Shade on Solar Feature
- A8.017 Solar Balance Point
- A8.018 Yard Setback Adjustment

#### Solar Energy Collecting Structures

- A8.020 Exceptions to Setback Requirements for Solar Energy Collecting Structures

### **Solar Access Standards for Individual Lots**

#### **A8.001 Development Permit for Solar Access**

An owner of property may apply for and/or be subject to a development permit for solar access for a solar feature if that property is in the LDR-5 or LDR-7 Districts or will be developed with a single family dwelling. The purpose of this permit is to protect solar access to solar features on lots designated or used for a single family detached dwelling by prohibiting solar features from being shaded by certain future vegetation on and off the permittee's site.

#### **A8.002 Approval Standards for a Development Permit for Solar Access**

The Manager shall approve an application for a development permit for solar access if the applicant shows:

- (A) The application is complete;
- (B) The information it contains is accurate; and
- (C) Vegetation on the applicant's property does not currently shade the solar feature.

### **A8.003 Duties Created by Development Permit for Solar Access**

- (A) The property owner to whom the City grants a development permit for solar access shall:
  - (1) Record the permit, property descriptions and owners of the properties affected by the permit, the solar access height limit, and the site plan required in Section A8.004, with any modifications required by the Manager, in the office of the county recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for the filing;
  - (2) Install the solar feature in a timely manner as provided in Section A8.006; and
  - (3) Maintain vegetation on the site so it does not shade the solar feature.
- (B) An owner of property burdened by a development permit for solar access shall be responsible and pay all costs for keeping vegetation from exceeding the solar access height limit.

### **A8.004 Submittal Requirements**

An application for a development permit for solar access shall contain the following information:

- (A) A property description of the applicant's lot and a property description, owners' names, and owners' addresses for lots, all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The applicant shall provide a report prepared by a title company showing the names and addresses of parties with interests in the properties affected.
- (B) A scaled plan of the applicant's property showing:
  - (1) Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature.
  - (2) The approximate height above grade of the solar feature, its location, and its orientation relative to true south.
- (C) A scaled plan of the properties on the list required in subsection (A) above showing:
  - (1) Their approximate dimensions; and
  - (2) The approximate location of all existing vegetation on each property that could shade the solar features on the applicant's property.
- (D) For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a development permit for solar access. The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a development permit for solar access shall allow vegetation on that lot whose height causes not more shade on the benefited property than could be caused by a structure that complies with the normal setbacks of the Community Development Code for existing lots.
- (E) If available, a statement signed by the owners of some or all of the properties to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to Subsection (C) above accurately represents vegetation in the ground on the date of the application. The City shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.

- (F) Written consent to the permit by all property owners burdened by the permit, as identified in Subsection (A).

#### **A8.005 Application Review Process**

Development permits for solar access shall be processed under a Type II procedure.

#### **A8.006 Expiration and Extension of a Development Permit for Solar Access**

- (A) Every development permit for solar access issued by the Manager shall expire if the construction of the solar feature protected by the permit is not commenced within 180 days from the date of the permit, or if the construction of the solar feature protected by the permit is suspended or abandoned at any time after the work is commenced, for a period of 180 days. Before the work can be resumed, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for the work, if no changes have been made or will be made in the original plans and specifications for the work and the suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, the Manager shall terminate the permit by filing the notice of expiration in the office of the county recorder with the deeds to the affected properties.
- (B) Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may commence work under that permit when he or she is unable to commence work within the time required by this section. The Manager may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

### **Solar Balance Point Standards**

#### **A8.010 Purpose**

The purposes of the Solar Balance Point Standards are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees.

#### **A8.011 Applicability**

Sections A8.010-018 apply to an application for a building permit for all single family detached structure in any land use district, except to the extent the Manager finds the applicant has shown that one or more of the conditions listed in Sections A8.014 or A8.015 exists, and exemptions or adjustment provided for there are warranted. In addition, non-exempt vegetation planted on lots shall comply with the shade point height standards as provided in Sections A8.013 and A8.014.

#### **A8.012 Solar Site Plan Required**

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Section A8.013 and the allowed shade on the

proposed structure's solar features as provided in Section A8.016. If applicable, the site plan also shall show the solar balance point for the structure as provided in Section A8.017.

**A8.013 Maximum Shade Point Height Standard**

The height of the shade point shall comply with either subsection (A) or (B) below.

- (A) Basic Requirement. The height of the shade point shall be less than or equal to the height specified on Table A or computed using the following formula. If necessary interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL}) - N + 150}{5}$$

Where:

H = the maximum allowed height of the shade point;

SRL= shade reduction line (the distance between the shade point and the northern lot line); and

N= the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

**Table A8.013(A) - Maximum Permitted Shade Point Height (In Feet)**

| Shade Reduction Line From Northern Lot Line (In Feet) Maximum | Distance To North-South Lot Dimension (In Feet) |    |    |    |    |    |    |    |    |    |    |    |    |
|---|---|----|----|----|----|----|----|----|----|----|----|----|----|
|   | 100   | 95 | 90 | 85 | 80 | 75 | 70 | 65 | 60 | 55 | 50 | 45 | 40 |
| 70  | 40  | 40 | 40 | 41 | 42 | 43 | 44 |    |    |    |    |    |    |
| 65  | 38  | 38 | 38 | 39 | 40 | 41 | 42 | 43 |    |    |    |    |    |
| 60  | 36  | 36 | 36 | 37 | 38 | 39 | 40 | 41 | 42 |    |    |    |    |
| 55  | 34  | 34 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 |    |    |    |
| 50  | 32  | 32 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 |
| 45  | 30  | 30 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 |
| 40  | 28  | 28 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 |
| 35  | 26  | 26 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| 30  | 24  | 24 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
| 25  | 22  | 22 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 |
| 20  | 20  | 20 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 15  | 18  | 18 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 10  | 16  | 16 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 5   | 14  | 14 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |

- (B) Performance Option. The proposed structure, or applicable non-exempt vegetation, will shade not more than 20% of the south-facing glazing of existing habitable structures.

#### **A8.014 Exemption From the Maximum Shade Point Height Standard**

The Manager shall exempt a proposed structure or non-exempt vegetation from Sections A8.012 and A8.013 if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- (A) Exempt Lot. When created the lot was not subject to the provisions of Section A8.015.
- (B) Pre-existing Shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:
  - (1) An existing or approved building or structure;
  - (2) A topographic feature;
  - (3) A non-exempt tree that will remain after development of the site. It is assumed that a tree will remain after development if it: is situated in a building setback required by the Community Development Standards Document; is part of a developed area or landscaping required by the Community Development Standards Document, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
- (C) Slope. The site has an average slope that exceeds 20% in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.
- (D) Insignificant Benefit. The proposed structure or non-exempt vegetation shades one or more of the following:
  - (1) An undevelopable area; or
  - (2) The wall of an unheated space, such as a typical garage; or
  - (3) Less than 20 square feet of south-facing glazing.
- (E) Public Improvement. The proposed structure is a publicly owned improvement.

#### **A8.015 Adjustments to the Maximum Shade Point Height Standard**

The Manager shall increase the maximum permitted height of the shade point determined using Section A8.013 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- (A) Physical Conditions. Physical conditions preclude development of the site in a manner that complies with Section A8.013, due to such things as a lot size less than 3000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right of way.
- (B) Conflict Between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section A8.017 or be sited as near to the solar balance point as allowed:

- (1) When the proposed structure is sited to meet the maximum shade point height standard determined using Section A8.013, its solar feature will potentially be shaded as determined using Section A8.016; and
- (2) The application includes a form provided by the City that:
  - (a) Releases the applicant from complying with Section A8.013 and agrees that the proposed structure may shade an area otherwise protected by Section A8.013.
  - (b) Releases the City from liability for damages resulting from the adjustment; and
  - (c) Is signed by the owners of the properties that would be shaded by the proposed structure more than allowed by the provisions of Section A8.013.
- (3) Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to Section A8.015(B), the applicant shall file the form provided for in Subsection A8.015(B)(2) above in the office of the County Recorder with the deeds to the affected properties.

**A8.016 Analysis of Allowed Shade on Solar Feature**

- (A) The applicant is exempt from this section if the lots south of and adjoining the applicant's property are exempt from Section A8.013.
- (B) Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar features will not be shaded by buildings or non-exempt trees on lots to the south. The applicant shall complete the following calculation procedure to determine if the solar features of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lots to the south to use to calculate the maximum shade height at the north property line:
  - (1) Existing structures or non-exempt trees; or
  - (2) The maximum shade that can be cast from future buildings or non-exempt trees, based on Table A8.016B. If the lots to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that land use district.
- (C) The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- (D) The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection (B) by using the following formula or Table A8.016A.

**SFSH - SH - (SGL/2.5)**

Where:

SFSH = the allowed shadow height on the solar feature.

SH = the height of the shade at the northern lot line of lots to the south as determined in Section A8.016(B).

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lots to the south).

**Table A8.016(A) - Maximum Permitted Height Of Shadow At Solar Feature (In Feet)**

| Distance from Solar Gain Line to Lot Line (In Feet) | Allowed Shade Height at Northern Lot Line of Adjacent Lots to the South (In Feet) |    |    |    |    |    |    |    |    |    |    |
|---|---|----|----|----|----|----|----|----|----|----|----|
|   | 22  | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 |
| 50  | 2   | 1  |    |    |    |    |    |    |    |    |    |
| 45  | 4   | 3  | 2  | 1  |    |    |    |    |    |    |    |
| 40  | 6   | 5  | 4  | 3  | 2  | 1  |    |    |    |    |    |
| 35  | 8   | 7  | 6  | 5  | 4  | 3  | 2  | 1  |    |    |    |
| 30  | 10  | 9  | 8  | 7  | 6  | 5  | 4  | 3  | 2  | 1  |    |
| 25  | 12  | 11 | 10 | 9  | 8  | 7  | 6  | 5  | 4  | 3  | 2  |
| 20  | 14  | 13 | 12 | 11 | 10 | 9  | 8  | 7  | 6  | 5  | 4  |
| 15  | 16  | 15 | 14 | 13 | 12 | 11 | 10 | 9  | 8  | 7  | 6  |
| 10  | 18  | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9  | 8  |
| 5   | 20  | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 |

Table A8.016(B) (below) may be used to determine (SH) in the above formula.

**TABLE A8.016(B)**

| North-south lot dimensions of adjacent lots to the south | Allowed shade height at the north property line of adjacent lots to south |
|--|---|
| 100  | 12  |
| 95   | 12  |
| 90   | 12  |
| 85   | 13  |
| 80   | 14  |
| 75   | 15  |
| 70   | 16  |
| 65   | 17  |
| 60   | 18  |
| 55   | 19  |
| 50   | 20  |
| 45   | 21  |
| 40   | 22  |

- (E) If the allowed shade height on the solar feature calculated in Section A8.016(D) is higher than the lowest height of the solar feature calculated in subsection (C) the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

**A8.017 Solar Balance Point**

If a structure does not comply with the maximum shade point height standard in Section A8.013 and the allowed shade on a solar feature standard in Section A8.016, then the solar balance point of the lot shall be calculated. The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.

### **A8.018 Yard Setback Adjustment**

The City shall grant any adjustment to the side, front and/or rear yard setback requirements by up to 50% if necessary to build a proposed structure so it complies with either the Shade Point Height Standard in Section A8.013, the Allowed Shade on a Solar Feature Standard in Section A8.016, or the Solar Balance Point Standard in Section A8.017, as provided herein. This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance.

## **Solar Energy Collecting Structures**

### **A8.020 Exceptions to Setback Requirements for Solar Energy Collecting Structures**

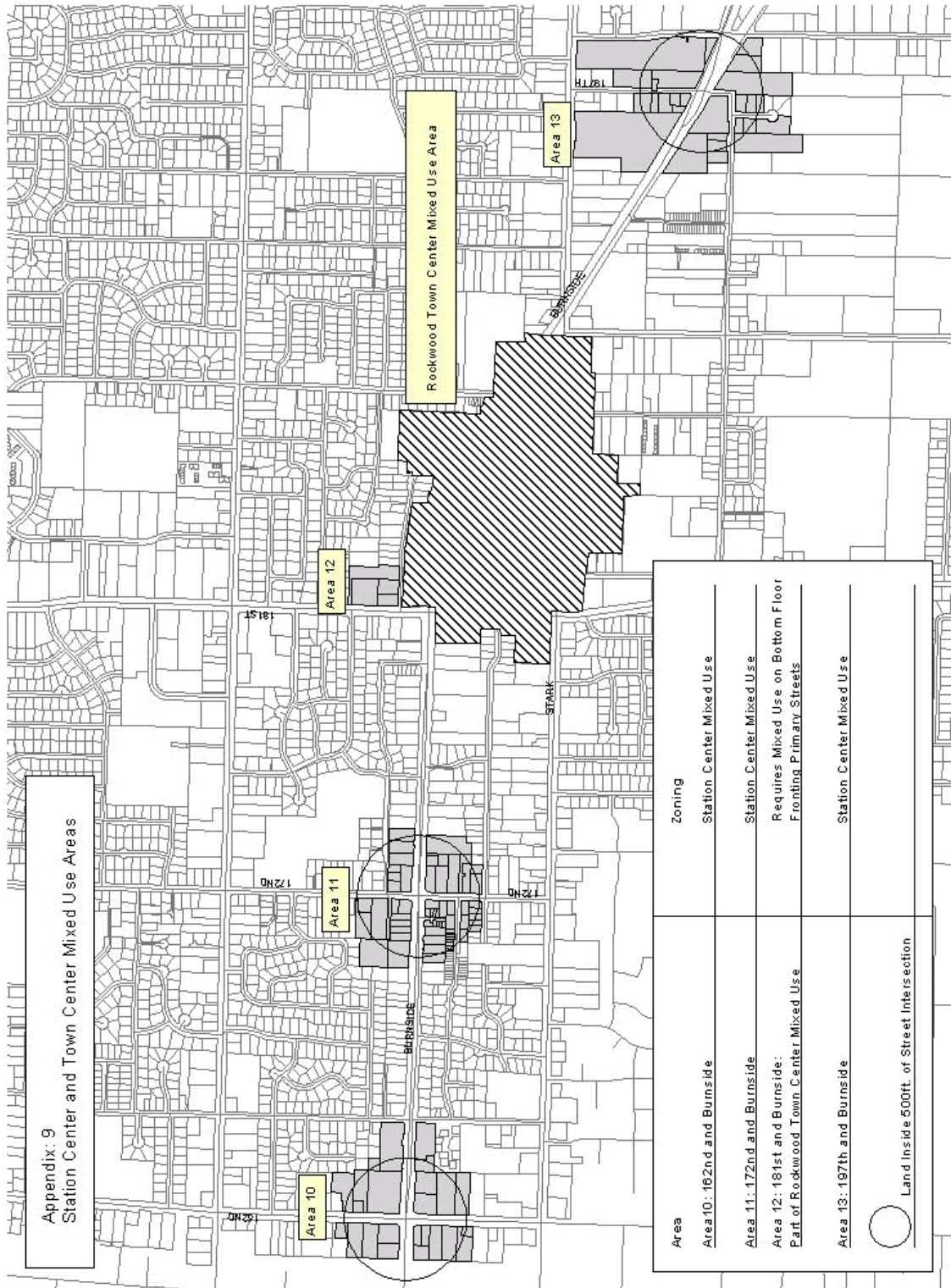
Exceptions to the minimum front and rear yard setbacks for single-family detached residences, duplexes, and manufactured homes may be approved under a Type II procedure when necessary to provide a site for a qualifying attached solar energy collecting structure. The exceptions shall meet the following criteria:

- (A) The owner or applicant shall provide evidence that the existing dwelling has been the subject of a certified energy audit.
- (B) The proposed solar energy collecting structure shall be demonstrated to be energy conserving to the extent that the structure shall save at least 10 percent of the total annual energy requirements for the dwelling. Fulfillment of this criterion shall be demonstrated by one of the following means:
  - (1) Evidence of approval of the proposed solar energy collecting structure by the State of Oregon Department of Energy for certification for the Oregon Solar Tax Credit, provided such approval requires that the structure shall save at least 10 percent of the total annual energy requirements for the dwelling; or
  - (2) A statement and pertinent calculations from a registered architect, a mechanical engineer, or a solar contractor or designer demonstrating fulfillment of this criterion based on the following guidelines:
    - (a) The total annual energy requirement includes space heating and cooling, domestic water heating, cooking, lighting, and appliance use.
    - (b) The total annual energy requirement and net energy savings shall be calculated in a manner acceptable to the Manager.
    - (c) The architect, mechanical engineer, or solar contractor or designer shall use data provided by the applicant to determine the net energy savings. Net energy savings shall be determined by subtracting the total energy requirement with the solar energy collecting structure from the total annual energy requirement before adding the solar energy collecting structure.
- (C) For rear yards, there shall be existing or proposed a privacy buffer consisting of a 6 foot high, sight-obscuring fence or a sight-obscuring vegetative screen with a height of at least 4 feet above grade at time of planting. This buffer shall be located along all property lines within the rear setback area, and shall be installed prior to occupancy of the solar energy collecting structure.



- (D) Sufficient graphic evidence shall be submitted for the Manager to make a determination that significant negative light and shadow patterns will not result on building envelopes on adjoining parcels.
- (E) Where an attached solar collecting structure of two or more stories in height is proposed, only the ground floor shall be occupied as living space, and the area above the ground floor shall remain free of floor area. Upper floor decks or extensions of upper floor living space shall not extend into or beyond the solar collecting structure.

# Appendix 9.000 Station Center and Town Center Mixed Use Areas



# **Appendix 10.000**

## **Regional Shopping Centers**

---

### General

A10.001 Purpose

### Regional Shopping Center Site Development Review Procedures and Standards

A10.010 Regional Shopping Center Site Development Review Procedures

A10.011 Regional Shopping Center Site Design Standards

### General

#### **A10.001 Purpose**

This appendix section of the Community Development Code establishes the land use procedures and standards for a Regional Shopping Center. These provisions were adopted in conjunction with identification of three specific sites in the city which were appropriate for a potential Regional Shopping Center. Each of those three sites, identified in the Commercial Land Use Policies of Volume II of the Gresham Community Development Plan, has been committed to other uses. Changing economic and social norms will determine the need for a Regional Mall in this community. This Appendix recognizes that a development of this magnitude is necessarily subject to very unique and specific requirements depending upon the site of such a development. It is the purpose of this section is to identify standards which would apply to any potential site, but that would need to be modified for a specific site in this community. A site would need to be identified in the Volume II Policies and have the appropriate underlying land use designation for these standards to apply.

### Regional Shopping Center

#### Site Development Review Procedures and Standards

#### **A10.010 Regional Shopping Center Site Development Review Procedures**

(A) Policy and Plan Map Designations - Applicable Procedures and Standards.

- (1) Development of a regional shopping center, as defined in Section 3.0010 of the Community Development Code, and its site is subject to Type II review under the procedures of this section and special development standards (Section A10.011) for a regional shopping center site. These procedures and standards shall apply only to a regional shopping center site that is identified by Commercial Land Use Policies of Section 10.312, Volume 2 - Community Development Plan, and is also given an appropriate commercial or mixed-use plan map designation.
- (2) The sites identified in the Commercial Land Use Policy, to which these procedures and standards may apply, are described in the figures incorporated in this section: Maps of Potential Regional Shopping Center Sites. When any of these sites in its entirety is given a commercial or mixed-use plan map designation that would allow development of a regional shopping center, that site shall be considered committed for a future regional shopping center development, as the site's primary use, under these procedures and standards.

- (3) The first phase of site development, and Site Design Review, for a regional shopping center site shall include the site's primary use, a regional shopping center.
  - (4) If any conflict in applicable procedures or standards appears between the specific procedures and standards for regional shopping center sites and other applicable sections of the Community Development Plan, the specific procedures and standards for regional shopping center sites shall apply.
  - (5) On a site committed by Policy and map designation for a regional shopping center, a development for a primary use other than a regional shopping center will require a Type IV policy amendment to remove the site from identification in the commercial land use policy, or a Type IV map amendment, prior to an application for a development permit. The applicant would have to show why the site was no longer suitable for a regional shopping center and the commercial policy designation, based on applicable plan policies.
- (B) Type II Master Plan Review and Site Design Review. A master plan shall guide the development of all uses on an entire regional shopping center site under Type II procedures. Site design review for a regional shopping center site shall be subject to Type II procedure and master plan review. Each site has its own unique character and community setting which will be addressed in the master plan review and site design review. The approval authority may impose conditions corresponding to the unique character or community setting of each site consistent with applicable policies, procedures, and standards. Master plan review and site design review will use the following procedures:
- (1) Master plan review shall precede or be concurrent with site design review for any phase of site development.
  - (2) Site development for each phase of development shall be consistent with an approved master plan for the site.
  - (3) If a subsequent phase of site development proposes to vary from an approved master plan, then a revised master plan must be reviewed and approved under Type II procedures and master plan standards, prior to or concurrent with site design review for that phase of development.
  - (4) A master plan and site design review shall satisfy the criteria and standards of Section A10.011 of the Community Development Code, and other applicable sections of the Community Development Plan.

#### **A10.011 Regional Shopping Center Site Design Standards**

The following master plan and site design criteria shall apply to regional shopping centers located in the City of Gresham:

##### **(A) Master Plan Objectives and Elements**

- (1) Master Plan Objectives. A Master Plan shall apply to all uses within a regional shopping center site and address the following development objectives:
  - (a) Establish orderly, harmonious connections and transitions between the site and surrounding areas of the community by means of: building design, placement, and orientation; desirable linkages of on-site/off-site uses and circulation systems (pedestrian, transit, vehicular); coordination of on-site building scale, intensity and hours of uses/activities, and site layout; complementary marketing strategies with established activity centers and commercial districts; appropriate transitional uses and buffers along site borders and public streets adjacent to residential districts; on-site and off-site traffic management.

- (b) Establish a major community focal point which will provide a wide range of regional retail shopping opportunities for area residents, will create a unique, unified commercial identity within the Gresham market area, will attract and serve visitors to the area, and will serve to enhance cultural and business activities within the Gresham area.
- (c) Establish safe and efficient circulation systems, on-site and off-site, for pedestrians, transit use, bicycles, and vehicles, which contribute to mitigation of traffic impacts on affected surrounding areas and public streets and which encourage pedestrian activity and transit use.
- (d) Establish a long-term conceptual site plan and site use framework to assure direction and certainty in the site development process for the public, the City, and the developer.
- (e) Establish a long-term plan creating a well-defined, attractive, safe activity center, which, by its elements:
  - Respects the established character, stability, and livability of surrounding residential districts;
  - Locates and orients more intensive site uses and activity areas, such as uses with high evening patronage, away from surrounding residential districts;
  - Enhances the appropriate, orderly development of all surrounding areas consistent with the Comprehensive Plan;
  - Avoids potential disturbing effects (e.g. traffic, noise, piecemeal commercial land conversion) in those areas;
  - Minimizes potential adverse traffic and visual impacts upon surrounding areas.

(2) Master Plan Elements

A Master Plan shall describe in a narrative and graphic form the following elements:

- (a) Market information that substantiates: the economic need for the facility; the market area of the proposed center; proposed types of anchor tenants, specialty retailers, unique marketing themes which the center will employ; how the center complements and relates to existing retail shopping opportunities and commercial districts in Gresham; and how it will serve the needs of the Gresham community.
- (b) A conceptual site development plan showing approximate location of:
  - all proposed on-site buildings, proposed uses (generalized).
  - approximate floor areas and heights of buildings.
  - parking areas (with approximate number of spaces).
  - landscaped areas, natural areas, visual buffers, greenway areas.
  - public spaces and amenities (outside and inside buildings).
  - transit circulation/service and transfer points/stops.
  - pedestrian and vehicular circulation systems.
  - service-delivery areas and circulation.
  - sources of noise, vibration, glare, dust, odor, fumes, smoke, air pollutants, radiation, surface runoff.
- (c) A surrounding area conceptual development plan, within a 20-year timeframe, for properties:

-within adjacent neighborhood areas (regardless of use), typically bounded by the next arterial or collector street beyond site perimeter streets and;

-within 2000 feet linear distance from the site along the adjacent arterial street system.

The conceptual development plan will show:

-all existing and proposed (in approved development plans) buildings, uses, public streets.

-driveways and pedestrian circulation.

-how the center is proposed to inter-relate with this area.

- (d) Key public viewpoints for visual analysis will be established as part of the Master Plan Review process. Perspective views (to scale) of the site and major buildings will consider the site topography, existing vegetation, and major proposed landscaping, from key public viewpoints on adjacent public streets and rail transit lines, and within adjacent residential and commercial districts. Key public viewpoints will include views of the site and major buildings within the context of a site's surrounding area. Further visual analysis will be required if there are subsequent changes in a Master Plan.
- (e) A regional shopping center is the site's primary use. Other commercial uses (e.g. office, lodging, free-standing commercial buildings) or residential uses (if permitted in the plan map district) shall be secondary and complementary in function to the primary use. All uses on a site shall be accessed internally from the site's vehicular access and driveway circulation system. This element shall not restrict the ability of the site to provide primary and secondary access drives of sufficient length from arterials to serve different site uses, as long as all access drives are consistent with the applicable Design Review Standards for access drives contained in this section and the City's Access Control Standards (6.1000).
- (f) A site analysis diagram, as specified in Section A10.010(A)(1).

(B) Site Design Criteria and Standards

In addition to other applicable criteria and standards of this Code, the following apply to Site Design Review of all development and uses on a regional shopping center site.

(1) Building Design and Scale

- (a) Theme and Image. Design, materials, scale, and orientation for all structures shall create a unified architectural theme and a distinctive, coordinated image within a site to support the Master Plan objectives of enhanced development quality as a community focal point, and of creating a unique, unified commercial identity within the Gresham market area.

The architectural theme and image (including design, materials, scale, and orientation) shall be responsive to the site's unique character, reflecting its regional setting, its Gresham area setting, and the specific site location, with a consideration of significant natural or man-made landscape features within a site, within a surrounding area, or visible from a site.

A variety of complementary building materials shall be used in site structures:

To create visually interesting building facades and harmonious contrasts of building textures and colors, and to avoid large monotonous building surfaces, as seen from key public view points (defined in the Master Plan) and from major on-site pedestrian routes (described in the traffic management standards for pedestrian circulation).

- (b) Transition to Surrounding Area

The arrangement, theme, and image of site buildings shall create harmonious transitions and connections with the established architectural character and scale (current and anticipated) of surrounding activity centers, commercial, and residential areas. Site development should enhance and reinforce desirable design qualities and architectural character of surrounding conforming development, as evaluated under the City's Community Design policies and standards.

(c) Landmark Features

Architectural landmark features which define the character of the development are encouraged at central locations or site gateways as long as these features are located and designed in keeping with other site design standards and criteria. The approval authority may allow a landmark tower or spire which is above the maximum building height for a district, as long as this landmark feature is found to be consistent with other applicable requirements of these standards for a regional shopping center site and applicable sections of the Community Development Plan. A landmark tower structure (above the maximum building height) on a site shall normally include a visitor viewing area or other publicly accessible space.

(d) Interior Mall Spaces

Interior pedestrian malls, as defined in the Uniform Building Code, shall provide a pleasant environment for pedestrians, by means of elements such as street furniture, conveniently located restrooms, pedestrian rest areas, natural lighting, and landscaping.

(2) Buffering and Setbacks

Beyond the buffering and setbacks, including height transition areas, as required by this Code, a regional shopping center shall employ a variety of design strategies to soften the visual impacts and scale of development on adjacent residential or commercial districts. The following strategies shall be employed regardless of arterial street separation from an adjacent district:

(a) Buffering Strategies

- (i) Utilize the natural vegetative and topographic character (e.g. major stands of trees, streams and ponds, slopes, etc.) of a site to buffer, screen, frame, and enhance the visual quality of on-site buildings, parking lots, and activity areas as viewed from public locations in surrounding residential and commercial districts and from public streets. Natural vegetative areas preserved within parking lots may be credited to satisfying parking lot landscaping requirements (Section 9.0823).
- (ii) Utilize buffer areas and other natural features on site as active or passive greenways (privately maintained). Consider appropriate public recreation activities within these areas. (e.g. jogging, fitness, or pedestrian trails, nature walk, etc.)
- (iii) Utilize new landscape materials and groupings, as practical, which complement and reinforce the site's natural or human-created landscape character (e.g. species, screening, canopy, seasonal variation) and the area's native plants. This criterion does not apply to second-growth or invasive plant species.
- (iv) Utilize buffer area landscaping, berms, street tree plantings (including street median plantings), and similar elements along residential district borders to a site (whether abutting uses or across public streets), in consideration of year round landscape character. Plans for border areas should establish a well-defined, visually attractive site edge, enhance or complement the landscape character of surrounding residential areas, and attenuate site-generated noise and light.

- (v) At the time of Design Review, interim landscaping must be proposed for all areas to be developed in future phases. Interim landscaping shall be installed and maintained until the future phase is developed.

(b) Maximum Building Height - Height Transition Area

Wherever a regional shopping center abuts or faces (across a public street) a residential district, the maximum building height along these site borders shall be determined by the height transition area standard of the underlying land use district. The height shall be measured as defined in the Uniform Building Code. The height transition area for a regional shopping center site shall be measured from the site's external property line(s), even when a public street separates the site from a residential district.

(3) Parking and Loading Areas

(a) Parking Areas

In addition to the applicable development standards for parking and loading areas (Section 9.0800):

- (i) Parking and loading areas shall be designed, located, and managed to assure the convenience and safety of shoppers, clients, visitors, tenants, employees, delivery and service users. Shared parking, structured parking, and below structure parking are encouraged.
- (ii) Parking areas should be efficiently designed and located to provide a compact layout, ease of customer access to buildings, ease of vehicular circulation, to minimize the total site surface area devoted to vehicle storage and to avoid spillover of site parking to surrounding areas and public streets.
- (iii) Parking area design should minimize vehicular/pedestrian conflicts:
  - by placing most building parking between a major driveway (ring road) and a building.
  - by making building service drives (next to buildings) discontinuous to minimize traffic speeds and volume on any one service drive segment.
  - by including walkways to building entries at convenient intervals and locations, with a minimal number of driveway crossings.
  - by avoiding parked cars overhanging walkways and avoiding head-in parking adjacent to buildings, except for handicapped spaces.
- (iv) The design and location of each parking lot and loading area shall be evaluated for its hours of activity to avoid conflicts (such as noise, lighting, and evening activity) with surrounding residential areas.
- (v) Surface parking areas shall be screened, as required by Section 9.0823, by landscaping and/or site structures from views from adjacent public streets and public locations in surrounding residential districts. Parking structures with open decks shall include landscaped areas as required per Section 9.0861.
- (vi) In addition to the minimum parking spaces required, each phase of development shall document the adequacy of parking spaces, in a parking study prepared by a traffic consultant. Each phase shall establish a set of parking management practices which address Subsection (4) below.

(b) Loading Areas



- (i) Loading and service areas and structures shall be screened as completely as possible from views from adjacent public streets and public locations in surrounding residential districts. Loading and service areas should, preferably, be located within structures.
- (ii) On-site service vehicle routes shall be designated and signed.
- (iii) Loading and delivery lanes and areas should be separated adequately from the driveway system and parking lots, and of adequate size to avoid conflicts of site traffic with loading and delivery functions.

(4) Traffic Management, Circulation, Access

A traffic management plan, supplemental to the standard traffic impact study, shall govern the development of a regional shopping center at each phase of development. The traffic management plan shall be reviewed by the approval authority concurrent with Design Review for any phase of development. At each phase of Design Review, the center shall provide a progress report on all elements of the traffic management plan and measures employed to meet plan objectives or correct unforeseen problems. The approval authority may recommend changes in the traffic management plan. The plan shall address the following objectives and elements:

(a) Traffic Management Plan Objectives

- (i) Easy and safe traffic flow on the surrounding arterial street system.
- (ii) Effective and safe transfer of arterial traffic onto the site.
- (iii) Efficient distribution of traffic within the site.
- (iv) Convenient and efficient on-site arrangement of parking areas, pedestrian circulation, and transit service.
- (v) Separation, guidance, and safe on-site and off-site movement of pedestrians, vehicles, transit, service and delivery vehicles, and bicycles.
- (vi) Effective mitigation of site-generated off-site traffic impacts on affected arterials, intersections, and affected collector or local streets in the surrounding area.
- (vii) Optimal levels of non-vehicular trips attracted to and within a site (with an emphasis on transit use and pedestrian movement).

(b) Traffic Management Plan Elements

(i) Off-Site Traffic Mitigation

A traffic impact study shall analyze and recommend:

-Traffic impact mitigation measures on affected arterial streets, including access management and signal coordination plans for all affected streets, intersections, and signals. These measures may include channelization of lanes or turns, striping, medians, frontage roads, turn restrictions, access consolidation, lanes for left or right turns, and other transportation system management (TSM) actions.

-Traffic impact mitigation measures for potentially affected neighborhood collector/local streets in the surrounding area, with the objective of stabilizing and minimizing non-local and site-generated traffic growth on those streets. It is recognized that some surrounding area mitigation measures may be a shared responsibility of a developer and the local street jurisdiction.

(ii) On-Site Traffic Circulation and Design

- Provide a major driveway system which collects and distributes traffic in a continuous ring road or loop form, efficiently connecting and providing internal access to all portions of the site and to the major site access points.
- Emphasize the function and visual quality of major driveway system by means of consistent street tree and border plantings, lighting, and on-site directional signage.
- Provide exclusive, uninterrupted site access driveways (between a ring road/loop and external public streets) of sufficient length, width, and number of lanes, to accommodate expected weekday PM peak and shopping peak hour vehicle flows and storage, exiting and entering movements. Medians and channelization shall be used on access drives. The design, capacity, operation, and location of site access driveways should not hamper easy traffic flow onto the site or through movement on adjacent public streets, and should minimize conflict with driveway movements along adjacent public streets.
- Design the driveway system in a functional hierarchy (major to minor, parking aisles, etc.) with essentially the same design (e.g. intersections, lanes, widths, alignment, etc.) as public streets with comparable functions. Utilize three-way intersections wherever possible to minimize flow conflicts and simplify turn movements.
- Provide driveway traffic controls and signage consistent with the Manual of Uniform Traffic Control Devices.

(iii) Pedestrian Circulation and Design

- Site design shall consider pedestrian scale and encourage safe and convenient pedestrian movement in all aspects of design.
- An analysis of pedestrian movement patterns and trip generation within and to the site shall be provided.
- Major pedestrian routes (10-30 feet width) shall be provided within the site between major uses. The purpose of these routes is to link primary building entries, major on-site activity areas, public spaces, transit stops, etc. and to connect the site with adjacent uses that generate higher levels of pedestrian traffic (e.g. major activity centers, commercial districts or residential nodes). Major pedestrian routes should support convenient and safe pedestrian circulation and access on-site and from surrounding areas, with special attention to safe arterial street crossings.
- Major pedestrian routes should be designed in consideration of weather protection and microclimate (covered routes and wind screening are encouraged), with street furniture and pedestrian rest areas.
- Driveway crossings for pedestrian routes should be carefully designed and located for safety, well-lighted and signed, and should utilize contrasting pavement materials.
- Wherever pedestrian circulation is needed across undeveloped phases to an adjacent use with significant pedestrian traffic, temporary walks shall be provided.
- Public sidewalks along arterial street frontages shall be separated from traffic by wide planter strips (10-15 feet width). Public sidewalks may be located on easements (in a setback, buffer, or height transition area) \_ within the public right of way.

(iv) On-site Transit Service and Facilities Design

In cooperation with transit service and facilities providers:

- Transit service and facilities design should maximize the relationship of the development to on-site transit service; and maximize the convenient use of transit for site-generated trips from the Gresham market area, with a special emphasis on transit service (feeder bus, light rail, paratransit) connections between the site and existing Gresham activity centers, commercial districts, and residential areas. A shop and ride type program is encouraged to support transit usage between the site and other commercial districts, especially within the Gresham Central Area.
- Transit stops/transfer points on-site should be located to optimize transit usage on the entire site, with primary service focused on those site uses expected or shown to attract the highest levels of transit ridership. Transit stops/transfer points should be weather-sheltered (for rain and wind) by means such as arcades, awnings, building marquees, or transit shelters. Locations should minimize walking distances for inter-modal transfers (e.g. light rail to bus, kiss and ride). Ticket sales and transit information should be available in locations convenient to transit stops/transfer points.
- Provide opportunities for the use of transit (or paratransit, such as shuttle service) for trips within the site between major buildings or uses.
- If a regional shopping center site is served directly by a light rail transit station, the City will work with transit providers, as stated in the Public Transit Services Policy 10.322, to improve the efficiency and attraction of light rail services in Gresham and to create a major destination for transit riders, by strategies including:
  - Peak hour express trains between the Rockwood-Central Area stations and Gateway-Downtown Portland;
  - Off-peak discount tickets to encourage off-peak rider use and off-peak direction use;
  - Provision of additional programmed park and ride facilities as needed at appropriate stations;
  - And consideration of a logical future Gresham Lightloop or line extension.

(v) Bicycle Circulation

- Provide for safe bicycle circulation within the site and for access to the site, with an emphasis on safe connections to adjacent street bicycle routes.

(vi) Vehicle Trip Reduction Strategies

- A vehicle trip demand management program shall be established and maintained by the development for site employees, shoppers, visitors, and other site users, with strategies to encourage ridesharing and transit usage at the weekday PM peak hour and off peak hours, and shopping center peak hour.
- Ridesharing, transit use, and vehicle trip reduction objectives for each phase of development shall be established by agreement at the time of Design Review.

(5) Public Spaces and Amenities

(a) Provision of Public Spaces and Amenities

A regional shopping center site shall provide attractive, usable, and lively public spaces and amenities throughout the site, which shall include the following types of spaces (both inside and outside of site buildings):

Spaces for public meetings, pedestrian rest areas, spaces for cultural activities and performance events, public art, spaces for special populations (children, handicapped, senior citizens), special community enterprises (e.g. public market, jazz festival), social/recreational areas.

(b) Examples of Public Spaces and Amenities

The site development plan encourages public spaces and amenities such as assembly areas, plazas, transit stations or centers, squares, stages, amphitheaters, exhibit or convention spaces, public markets, day care services for employees and shoppers, senior centers, arboretums, view towers, gallerias, open or covered courtyards, ice rinks, arcades, esplanades, water features, conservatories, and similar features.

(c) Public Spaces/Amenities and the Pedestrian Circulation System

The site's public spaces and amenities should be connected by the pedestrian circulation system (outside and inside buildings). Continuity of spaces should be established by providing convenient and attractive street furniture within public spaces and along the pedestrian system.

(d) Pedestrian Rest Areas

As part of the public spaces, convenient pedestrian rest areas should be created at convenient intervals throughout the site (outside and inside buildings), separated from vehicular traffic flows and adjacent to major pedestrian traffic flows and routes.

(e) Microclimate

The design of public spaces should be responsive to microclimate conditions to assure maximum seasonal use.

(f) Use of Public Spaces

A recorded agreement between a regional shopping center site developer and the City shall memorialize and assure continued public use of these spaces and amenities. A proposal to eliminate any public spaces or amenities established at any phase of development shall be subject to Type 11 Master Plan Review and Design Review.

(g) Relation to Adjacent Area

Public spaces and amenities are encouraged to be responsive to or interconnected with adjacent uses, activity centers, and pedestrian routes from those areas.

(6) Linkage to Existing Commercial Districts, Activity Centers

(a) Desirable Linkages

A regional shopping center site shall accommodate and establish desirable linkages with existing Gresham commercial districts and activity centers, especially those within a half mile radius of the site, (as measured from the site's perimeter by means of urban design (architectural, landscape), circulation system (pedestrian, transit, vehicular), and marketing.

(b) Related Economic Activities and Uses

Each phase of the site development shall demonstrate how economic activities and uses on the site will be linked and inter-related to those within existing Gresham commercial districts.

(c) Marketing Outreach

The center shall participate in a marketing outreach program in cooperation with existing Gresham business associations (e.g. Chamber of Commerce, Downtown Boosters, Rockwood Merchants Assn.) to assure that the linkage objective is being achieved. At the time of Design Review, the developer shall describe the cooperative steps that will occur to establish this program, by the time of Phase 1 center occupancy.

(7) Public Safety

A regional shopping center site shall assure and promote public safety in all aspects of site development and operations. Each phase of site development shall address public safety issues, to the satisfaction of local public safety agencies, with the following plan elements:

(a) Site Security Program

Site security program for tenants, employees, shoppers, visitors, delivery services.

(b) Management of Site Activities and Uses

Management strategies for all on-site activities and uses, considered in relation to public safety within surrounding areas.

(c) Crime Prevention Design

Application of Crime Prevention Through Environmental Design (CPTED) planning principles and guidelines to the site, landscape, and building plans.

(d) Emergency Response Coordination

Proposed emergency response coordination mechanisms with local public safety agencies.

(e) Site Lighting

A site lighting plan that emphasizes safe evening usage of all driveways, walkways, inside and outside activity areas, while minimizing spillover of light and glare from the site to surrounding public streets and residential areas.

# Appendix 11.000

## Gresham Civic Neighborhood

### Street Design Requirement Figures

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#### Figures

Figure A11.001 – Shared Street Concept

Figure A11.002 – Shared Street Concept Plan View

Figure A11.003 – Sidewalk Corridor

Figure A11.004 – Sidewalk Corridor Intersection Treatment

Figure A11.005 – Pedestrian Accessway

#### Figures







# Appendix 12.000 Residential Infill Figures

## Figures

- Figure A12.001 – Flag Lots
- Figure A12.002 – Residential Floor Area Ratio
- Figure A12.003 – Effective Lot Area
- Figure A12.004 – Front Yard Setbacks
- Figure A12.005 – Building Height Transition
- Figure A12.006 – Midblock Streets
- Figure A12.007 – Local Lane and Lane System

## Figures

**Figure A12.001 – Flag Lots**

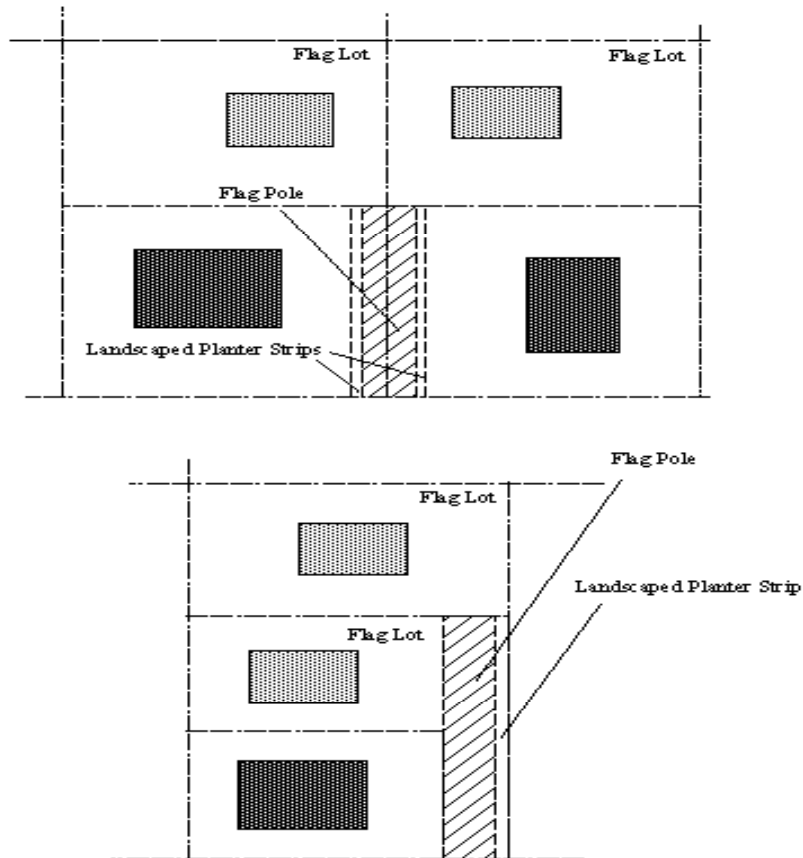
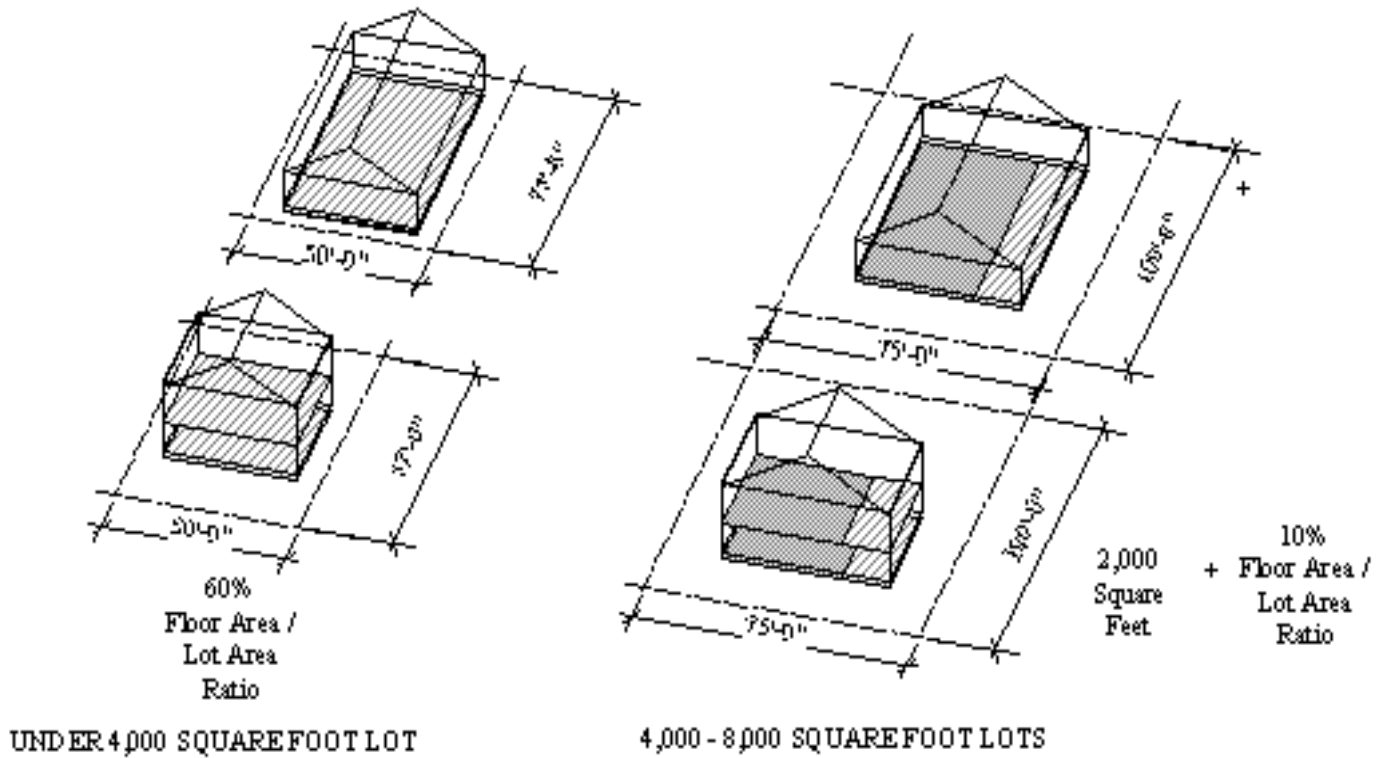
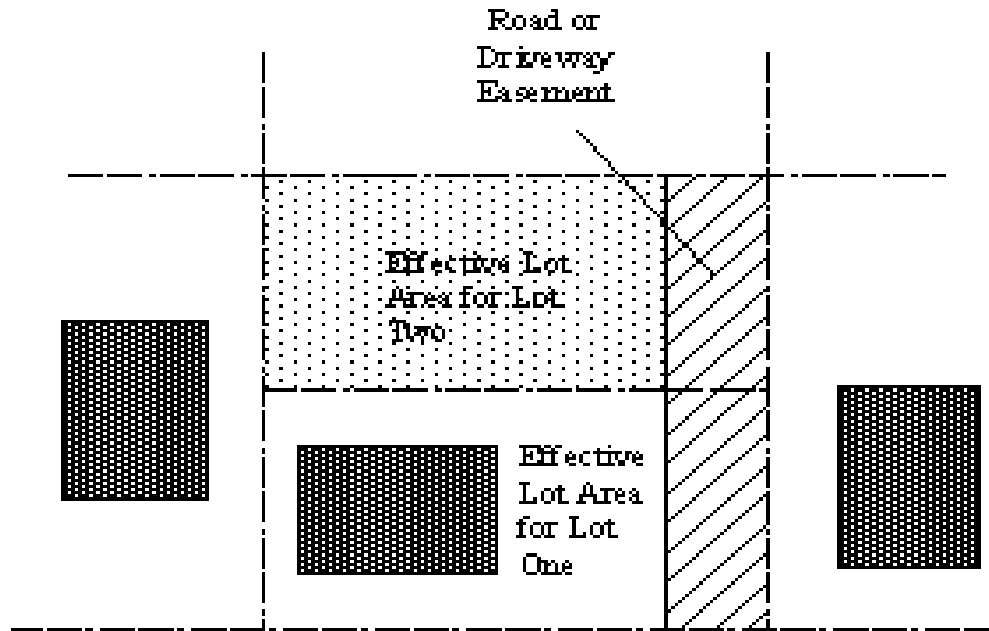


Figure A12.002 – Residential Floor Area Ratio



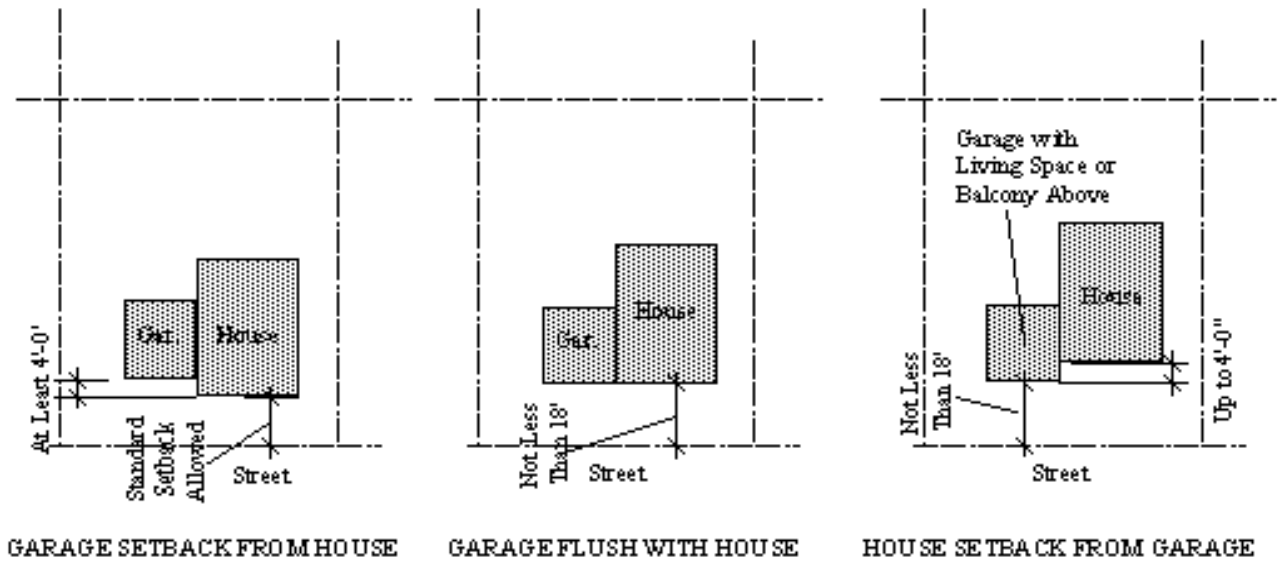
**RESIDENTIAL FLOOR AREA RATIO**

Figure A12.003 – Effective Lot Area



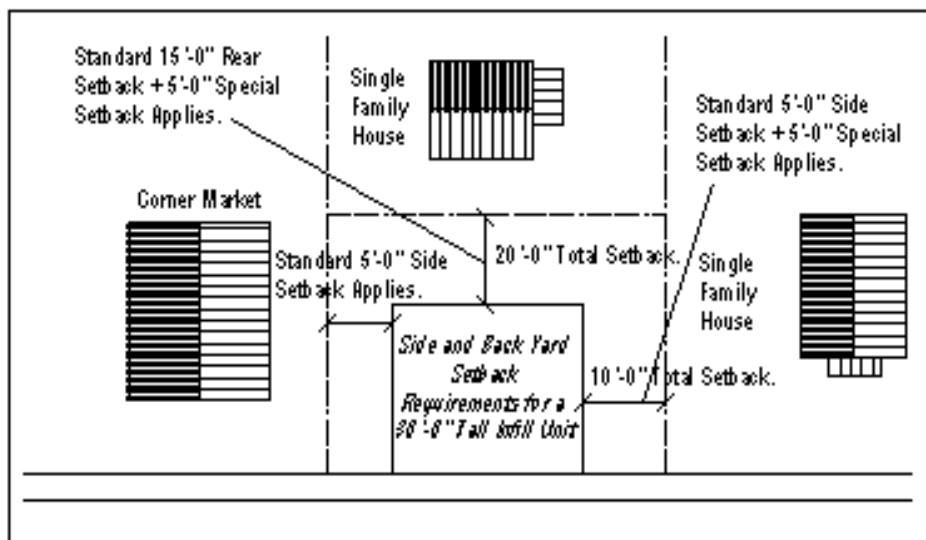
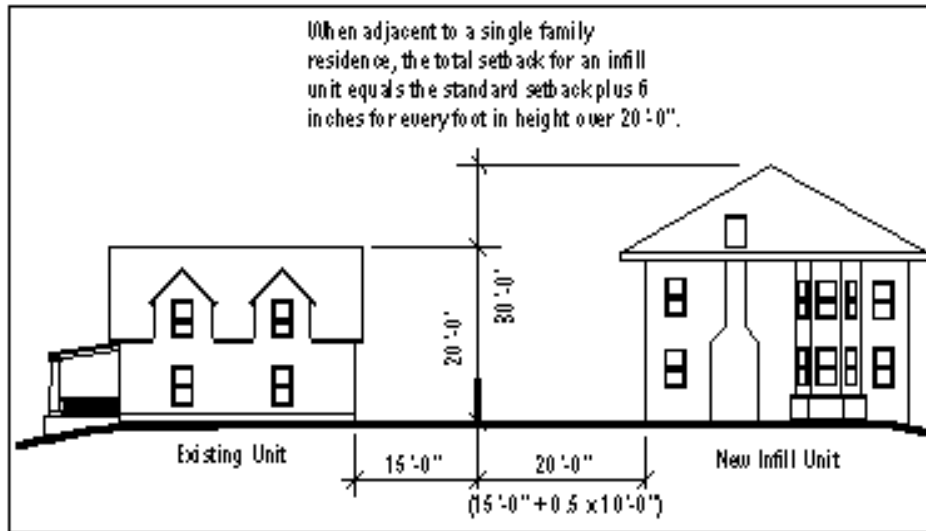
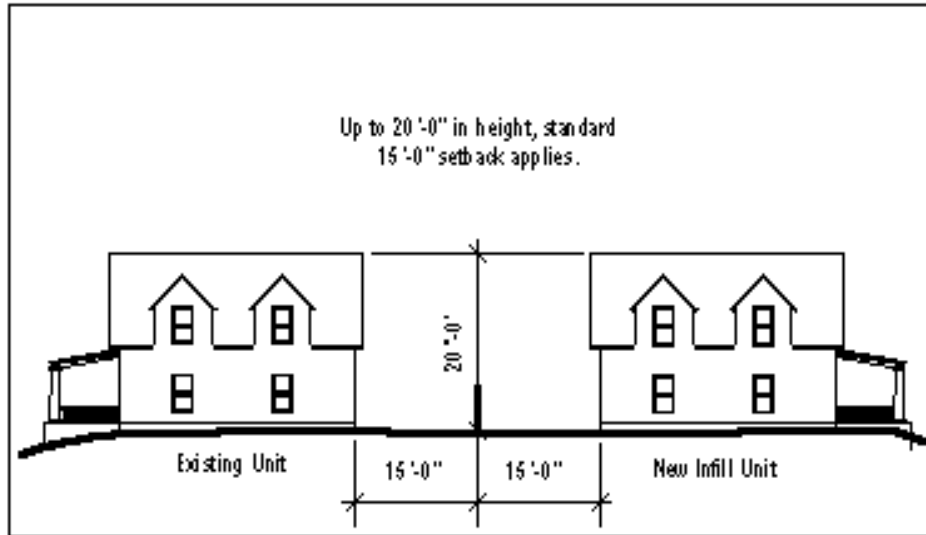
**EFFECTIVE LOT AREA**

Figure A12.004 – Front Yard Setbacks



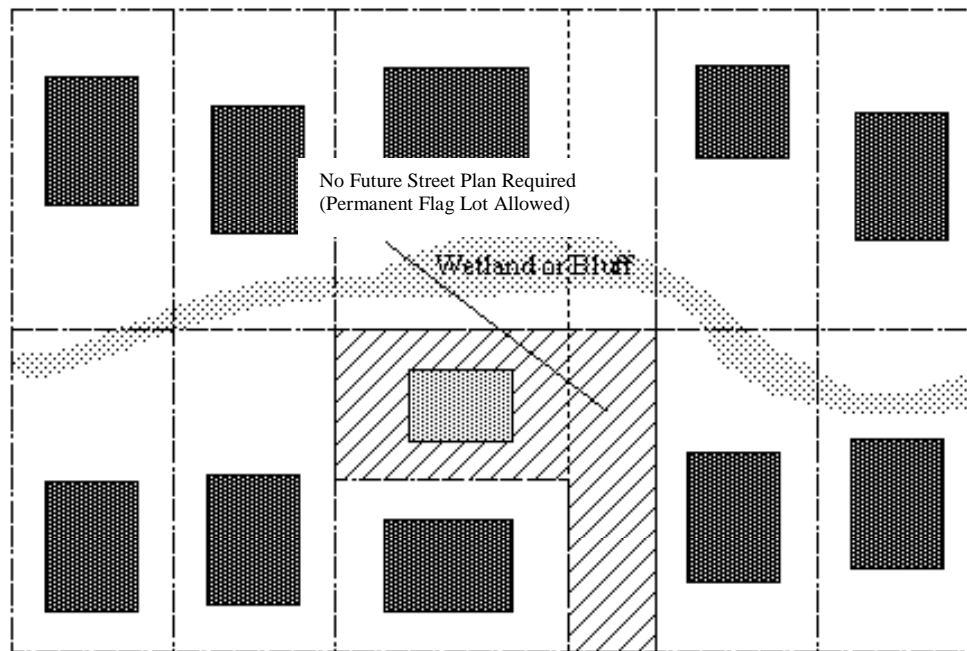
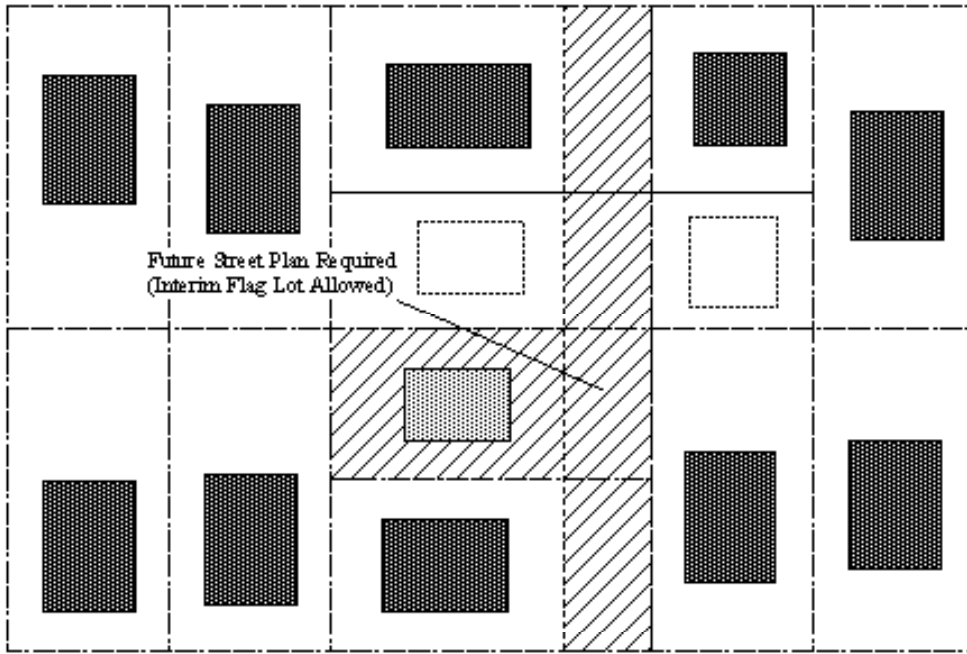
**FRONT YARD SETBACKS**

**Figure A12.005 – Building Height Transition**



**BUILDING HEIGHT TRANSITION**

Figure A12.006 – Midblock Streets



**MID BLOCK STREETS**

**Figure A12.007 – Local Lane and Lane System**

## **Appendix 13.000**

### **Street Naming and Property Numbering**

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#### General

A13.001 Purpose and Authority

A13.002 Responsibility

A13.003 Application

#### Procedures and Standards

A13.010 New Street Names

A13.011 Renaming of Existing Public Streets or Assignment of a Name to a Public Street Platted and Recorded without a Name

A13.012 Property Numbering

A13.013 Posting of Site, Property, or Building Address

#### Penalties

A13.020 Violation and Penalties

### **General**

#### **A13.001 Purpose and Authority**

- (A) The City of Gresham is responsible for determining new street names, re-naming City-owned streets, and making logical address assignments and re-assignments as policy recommends within the City limits. Address assignments within the incorporated City are not the responsibility of the Postal Service but of the incorporated City.
- (B) The City has developed standards, procedures, and guidelines to meet this responsibility. Street naming and property addressing shall conform to the City of Gresham Street Naming and Property Addressing Guidelines, a document published separately.
- (C) The Manager shall make property address assignments and street naming assignments in accordance with the requirements of this ordinance. The City Council shall rename existing streets in accordance with the requirements of this ordinance.

#### **A13.002 Responsibility**

- (A) The Manager or his/her designee, shall make property address assignments and street naming assignments utilizing, as appropriate, the City of Gresham Grid and the Portland Metropolitan (Metro) Grid.
- (B) The Manager is responsible for maintaining a log of address/street name conflicts. The Planning Commission shall review the street name log annually and shall make recommendations for correction to the Council.
- (C) The City is responsible for posting and maintaining public street signs reflecting the commonly used name for all City-owned streets unless the intersection abuts a County street or State highway.

- (D) The property owner (or homeowner's association, when applicable) is responsible for posting and maintaining the property number (address) and for posting and maintaining any private street signs.

### **A13.003 Application**

The City of Gresham Street Naming and Property Addressing Guidelines shall apply to all property addresses and street naming assignments and reassignments within the Gresham city limits. Regardless of original assignment, all properties annexed by the City of Gresham are subject to this ordinance.

## **Procedures and Standards**

### **A13.010 Purpose and Authority**

- (A) Names for new public and private streets shall be determined by the Manager in accordance with the policies as set forth in the City of Gresham Street Naming and Property Addressing Guidelines.
- (B) Names for new streets shall be assigned by the City under the Type I procedure in conjunction with approval of construction drawings and Final Plat for a land division or by separate recorded street dedication document when there is no plat to be recorded. Such names shall be recorded only after prior written approval or signature by the Manager.

### **A13.011 Renaming of Existing Public Streets or Assignment of a Name to a Public Street Platted without a Name**

- (A) A public City street may be named or renamed following a Type IV procedure.
- (B) A proposed street re-naming may be initiated by either of the following:
  - (1) Resolution of the Council
  - (2) Resolution of the Planning Commission

### **A13.012 Property Numbering**

Property numbering and building identification shall be determined by the Manager according to the policies as set forth in the City of Gresham Street Naming and Property Addressing Guidelines.

### **A13.013 Posting of Site, Property, or Building Address**

- (A) A property owner shall post the address as assigned by the City.
  - (1) For new construction, the property and/or individual building address shall be posted on a temporary sign of a size as determined by the Manager prior to or at the time of Building permit issuance.
  - (2) Such temporary posting shall be consistent with the provisions of Section A6.060, with the exception of time limit, which may be extended until final approval of the affected building.



- (3) The permanent address shall be posted prior to occupancy of the building in a location and manner as approved by the Manager. No occupancy shall be issued until the address is posted in accordance with the approved addressing plan.
- (B) An assigned property and/or building number shall be posted on the building.
  - (1) If a number is painted with reflective paint on the curb, it shall be located no further than 3 feet away from the driveway apron.
  - (2) Posting of the address on a mailbox or curb shall be considered supplementary to the posting on a building wall and shall not be considered a complete posting of the property address.
- (C) A corrected address shall be posted within 15 days either before or after the effective date on the Official Notification.

### **Penalties**

#### **A13.020 Violation and Penalties**

- (A) No property may be occupied, no Certificate of Occupancy may be knowingly issued, and no final inspection may be performed until the subject property has been properly assigned an address and the address has been correctly and clearly posted in accordance with this ordinance.
- (B) A person violating a provision of this ordinance shall be subject to a fine of not more than \$500. A violation shall be considered a separate violation for each day it continues.
- (C) Violations of this ordinance shall constitute a nuisance, which may be abated by appropriate proceedings.

## **Appendix 14.000 Significant Trees**

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### General

A14.001 Purpose

### Procedures

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

### Standards

A14.003 Criteria for Designation of Significant Trees

A14.004 Criteria for Removal of a Significant Tree

A14.005 Pruning of a Significant Tree

A14.006 Emergency Cutting or Removal of a Significant Tree

### Education and Promotion

A14.007 Education and Promotion

## **General**

### **A14.001 Purpose**

The City has developed standards and procedures to protect trees that have been determined to be of significant value to the community because of their exceptional beauty, distinctive size or shape, association with an historic person or event, or a functional aesthetic relationship to a visual or natural resource.

The following provisions are intended to help protect the natural beauty of the City for future generations and to enhance the long-term value of those trees that meet the criteria for inclusion in the Significant Tree Inventory.

## **Procedures**

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

- (A) The City has developed a list of Significant Trees, which shall be updated by the Planning Commission on at least an annual basis.
- (B) The Significant Tree designation may be applied to a tree or a grove of trees and may be nominated by any person, agency, or group, with property owner's consent.
- (C) The Significant Tree list shall be reviewed by the Tree Preservation Committee at least annually to consider modifications. The annual review shall address any potential new candidates and may include a consideration criteria for inclusion on the list.
- (D) The Tree Preservation Committee shall complete the following steps as part of the annual review and update:

- (1) Solicit Significant Tree nominations.
- (2) Make a physical evaluation of each potential new nominee.
- (3) Develop findings that evaluate the new candidates for conformance with the criteria found in Section A14.003.
- (4) Solicit written consent from affected property owners for the proposed final recommendations.
- (5) Develop a list of recommended Significant Trees, to include any potential new candidates. The recommended list may also address the potential de-listing of any Significant Trees that no longer meet standards for inclusion on the list (see also emergency removal provisions below).
- (6) The Committee's recommendations shall be submitted to the Hearings Officer for review and approval pursuant to the Type III procedures.
- (7) In the event that a property owner wishes to remove a tree from the Significant Tree List at any time other than during the annual review, the property owner shall be subject to a Type III procedure unless one of the following occurs:
  - (a) A majority of the Tree Preservation Committee determines that the tree has become a hazard in need of immediate removal, in which case the tree will automatically be de-listed at the next Significant Tree update; or
  - (b) The tree meets the criteria for immediate removal as an imminent hazard under the provisions of Section A14.006.
- (8) To ensure that trees are qualified to remain on the list once designated, the Tree Preservation Committee shall make a partial physical inventory and review of all trees on an annual basis, with each Tree and Grove to receive an on-site visit and analysis at least every four years.

## Standards

### **A14.003 Criteria for Designation of Significant Trees**

- (A) An individual tree may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:
- (1) The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Significant status; or
  - (2) The tree possesses exceptional beauty which warrants a Significant status; or
  - (3) The tree is Significant due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridgelines; or
  - (4) The tree has a documented association with a historical figure, property, or significant historic event.
- (B) A grove may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:

- (1) The grove is relatively mature and evenly aged and has a purity of species composition or is of a rare or unusual nature; or
  - (2) The grove has a crucial functional and/or aesthetic relationship to a natural resource; or
  - (3) The grove has a documented association with a historic figure, property, or significant historic event.
- (C) In addition to subsections (A) and (B) above, the designation of the tree or grove of trees as Significant will not unreasonably interfere with the use of the property upon which it is located.

#### **A14.004 Criteria for Removal of a Significant Tree**

- (A) Except for emergency removal under Section A14.006 or in conjunction with development as provided by Section 9.1013, no person may cut down or remove a Significant Tree without first obtaining a development permit. The development permit for removal of a Significant Tree shall be reviewed under the Type III procedure and shall be approved if one of the following criteria is satisfied:
- (1) The tree needs to be removed to construct proposed improvements and no practical alternative exists without significantly increasing cost or inconvenience, or reducing safety.
  - (2) The tree cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property, and to any improvements.
  - (3) The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.
  - (4) The tree needs to be removed to accomplish a public purpose and no practical alternative exists.
- (B) When a development is proposed for property that contains a Significant Tree or Trees, the property owner shall have a Tree Preservation Plan prepared by a Qualified Arborist which demonstrates how the Significant Tree or Trees can be preserved. The Significant Tree or Trees shall be preserved unless it is determined under the Type III procedure that the tree may be removed based on the criteria for removal found in Section A14.004(A) and one or more of the following additional criteria:
- (1) The tree needs to be removed to be consistent with good forestry practices.
  - (2) The tree needs to be removed to provide access for construction equipment immediately around a proposed structure.
  - (3) The tree needs to be removed to provide access to the building site for construction equipment.
  - (4) The tree needs to be removed because of an essential grade change. Essential grade changes are those that are needed to implement standards common to standard engineering or architectural practice.
  - (5) The tree needs to be removed because driveways, buildings, or other permanent improvements will be located where the trees are located and there is no practical alternative without increasing the cost of development by more than 5%.
  - (6) The tree needs to be removed in order to install solar energy equipment.
  - (7) The tree needs to be removed so that other provisions of the Gresham Community Development Plan or the Gresham Revised Code can be satisfied.

- (8) The tree cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property, and to any improvements.
- (9) The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.
- (10) The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

#### **A14.005 Pruning of a Significant Tree**

- (A) In any 12-month period, no Significant Tree may be pruned by removing over 20 percent of the tree's limb structure or disturbing over 10 percent of the root system without first obtaining a development permit. The development permit application shall be reviewed under the Type II procedures.
- (B) Major or Minor Pruning of up to 20 percent of the tree's limb structure shall not require a Type II development permit, but may be subject to review and recommendations of the Tree Preservation Committee.
- (C) All approvals for removal and pruning shall contain the following conditions:
  - (1) The protected tree shall be removed or pruned following acceptable arboricultural standards as adopted by the City.
  - (2) The trees shall be removed or pruned in a manner that ensures safety to individual and public and private property.
  - (3) Any other conditions necessary to ensure compliance with the requirements of the Community Development Code.

#### **A14.006 Emergency Cutting or Removal of a Significant Tree**

- (A) The entire Significant Tree List shall be reviewed periodically by the Tree Preservation Committee so that each tree (and/or grove) is physically inspected at least every four years to ensure that it still meets the criteria for inclusion on the Significant Tree List.

A tree that no longer meets the criteria shall be recommended for de-listing during the next annual Significant Tree List Update.
- (B) It is the property owner's responsibility to notify the City of any changes to a Significant Tree that might necessitate a non-routine review so that it may be de-listed during the annual review if it no longer meets the criteria for inclusion, as determined by the Tree Preservation Committee.
- (C) A Significant Tree may automatically be removed from the Significant Tree list (after pruning beyond 20% or being cut down without prior permit) if the tree presents a clear and present threat to persons or property that cannot be corrected through standard arboricultural practices. For example, the tree has fallen or is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
  - (1) In such an emergency circumstance, the property owner shall notify the Manager within 2 business days that the Significant Tree has been removed (or has received major pruning) under the emergency provisions of this section and shall provide the required documentation of the emergency.

- (2) Documentation of the emergency shall be by signature of the City of Gresham Police Chief, Fire Marshal, Public Works Director, or consulting arborist as defined in Section 3.0010 called to the scene of the emergency.

When documentation is provided by an arborist not acting on behalf of the City, a photograph of the emergency and analysis of the imminent hazard is required. A property owner's failure to document the emergency would require a Type III public hearing, if in the determination of the Tree Preservation Committee, there was no emergency.

- (3) It will be the Manager's responsibility to notify the Tree Preservation Committee prior to the next regularly scheduled meeting so that the tree can be taken off the official Significant Tree List at the next routine inventory sent to the Planning Commission.

## **Education and Promotion**

### **A14.007 Education and Promotion**

The Council may establish public information and education programs to encourage the protection of trees. At a minimum, the City shall review its inventory of Significant Trees and notify property owners at four-year intervals by first class mail of the existence of a Significant Tree or Trees on their property. The notice shall include a description of the tree preservation regulations and suggested maintenance standards for the tree or trees.

Although not mandatory, owners of Significant Trees or Groves are encouraged to file a document with Multnomah County Deed Records that identifies the presence of the Significant Tree or Trees on their property.

The City's updated annual list of Significant Trees and Groves shall be maintained on-line and shall also be available to the public in printed form.