

Commentary is for information only.  
Proposed new language is double-underlined;  
Proposed deleted language is ~~stricken~~.

CB 12-20 DRAFT

**ORDINANCE NO. XX**

**AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN, REGARDING THE ENVIRONMENTAL OVERLAY (EOP) PROJECT**

**THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:**

**Section 1. Volume 3, Development Code, Article 3 General Terms, Section 3.0100 Definitions is amended as follows:**

<b>Proposed Text Amendment</b>	<b><i>Commentary</i></b>
*** See Exhibit A.3.a for changes.	

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**Section 2. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.0100 Residential Land Use Districts is amended as follows:**

Proposed Text Amendment	Commentary
<p>***</p> <p><b>4.0138 Residential Compatibility Standards for LDR-5, LDR-7, TLDR and TR</b></p> <p>***</p> <p><b>D.</b> Standards for New Residential Development Adjacent to Existing Low-scale Development</p> <p>***</p> <p><b>3.</b> Standards:</p> <p>***</p> <p><b>c.</b> A potential adjustment may be allowed for lots on existing slopes where the compatibility angle restricts the building volume more than intended in <b>Section 4.0138(D)(1)</b>. It does not apply to lots where the grade has been artificially raised. Adjustments shall meet the following standards:</p> <ol style="list-style-type: none"> <li><b>1.</b> Lots intended for proposed development that have existing slopes as described above can apply for the vertical plane to be raised if the compatibility angle results in a height at the 5-foot setback that is less than 20 feet on the portion of the lot where the applicant intends to build a structure; and</li> <li><b>2.</b> The applicant requesting the change in vertical plane shall demonstrate that the development cannot comply with the compatibility angle by changing the location of the building because of <u>Natural Resource Overlay, Hillside and Geologic Risk Overlay</u><del>Habitat Conservation Area, steep slopes,</del> existing structures, tree preservation or similar constraints; and</li> <li><b>3.</b> The revision shall be approved at the discretion of the Manager; and</li> <li><b>4.</b> The revision shall conform to the intent of the compatibility angle to limit side wall heights to 22 feet facing the lot with the existing single-family detached dwelling or duplex that meets the standards in <b>Section 4.0138(D)(2)</b>.</li> </ol> <p>***</p>	<p><i>Update to reflect new overlays names</i></p>

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**Section 2. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1300 Gresham Butte Plan District is amended as follows:**

Proposed Text Amendment	Commentary
<p><b>General</b></p> <hr/> <p><b>4.1301 Purpose</b>                      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.</p> <p>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.</p> <p>The uses permitted and standards applied match those of the Low-Density Residential-5 District and the <del>Hillside Physical Constraint District</del> <u>Hillside and Geologic Risk Overlay</u> unless modified by this section.</p> <p>The uses permitted and standards applied match those of the Low-Density Residential-5 District and the <del>Hillside Physical Constraint District</del> unless modified by this section.</p> <p>***</p>	<p><i>Update to reflect new overlays names</i></p>

**Section 3. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1400 Pleasant Valley Plan District is amended as follows:**

<p>***</p> <p><b>4.1403 Pleasant Valley Sub-districts In General</b>                      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</p>	
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<p>***</p>	
<p><b>4.1419 Employment Center – Pleasant Valley (EC-PV)</b></p> <p><b>Purpose and Characteristics</b></p> <p>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.</p> <p>Characteristics for the Employment Center Sub–district include:</p> <ul style="list-style-type: none"> <li>A. EC-PV areas shall be located on a major or standard arterial street where there is access to transit.</li> <li>B. EC-PV areas shall be near a neighborhood center or the town center.</li> <li>C. Parcels are intended to range from approximately five to approximately 20 acres.</li> <li>D. EC-PV areas shall have access to high-speed Internet communications systems.</li> <li>E. EC-PV areas adjacent to <u>Resource Areas</u>ESRA areas shall be designed to provide a compatible relationship to the <u>Resource Areas</u>ESRA.</li> <li>F. Design will create pedestrian-friendly areas and utilize cost effective green development practices.</li> </ul> <p>***</p>	<p><i>Update to reflect new overlays names</i></p>
<p><del><b>Pleasant Valley Environmentally Sensitive/Restoration Areas</b></del></p> <p><del><b>4.1430 – 4.1469</b></del></p> <p>***</p>	<p><i>Removing section to be replaced by 5.0700 Natural Resource Overlay</i></p>

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**Pleasant Valley Master Plans**

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**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 Resource AreasESRAs.
- 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.

*Update to reflect new overlays name*

**4.1487 Solar Energy Standards for Pleasant Valley Districts**

Solar energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

- A. Scale.
  - 1. LDR-PV and ~~ESRA-PV~~: Small scale solar energy systems are permitted in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
  
- B. Type.
  - 1. LDR-PV and ~~ESRA-PV~~: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
  
- C. Height.
  - 1. LDR-PV and ~~ESRA-PV~~: The following limitations on maximum height apply to all solar energy systems in these districts:
    - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
    - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to solar energy systems in these districts:
    - a. Roof-top, Flat-roof and Integrated.
      - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.

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<ul style="list-style-type: none"> <li>ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.</li> <li>b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.</li> </ul> <p><b>D. Setbacks and Yards.</b></p> <ul style="list-style-type: none"> <li>1. LDR-PV and <del>ESRA-PV</del>: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.</li> <li>2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Solar energy systems are not allowed in the required front or street-side setbacks.</li> </ul>	<p><i>Removing out of date reference</i></p>
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**4.1488 Wind Energy Standards for Pleasant Valley Districts**

Wind energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

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<p><b>D. Setbacks and Yards.</b></p> <ol style="list-style-type: none"><li data-bbox="300 245 1486 310">1. <del>LDR-PV and ESRA-PV</del>: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.</li><li data-bbox="300 331 1486 435">2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front or street-side yard between the building and the street in these districts.</li></ol>	<p><i>Removing out of date reference</i></p>
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**4.1489 Biomass Energy Standards for Pleasant Valley Districts**

Biomass energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

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#### 4.1490 Geothermal Energy Standards for Pleasant Valley Districts

Geothermal energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

- A. Scale.
  - 1. ~~LDR-PV and ESRA-PV~~: Small scale geothermal energy systems are permitted in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type.
  - 1. ~~LDR-PV and ESRA-PV~~: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.
- C. Height.
  - 1. ~~LDR-PV and ESRA-PV~~: Geothermal systems shall not exceed the maximum district height limits in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems shall not exceed the maximum district height limits in these districts.
- D. Setbacks and Yards.
  - 1. ~~LDR-PV and ESRA-PV~~: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections.

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**4.1491 Micro-Hydro Energy Standards for Pleasant Valley Districts**

Micro-hydro energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

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However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.	
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**Section 4. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1500 Springwater Plan District is amended as follows:**

Proposed Text Amendment	Commentary
<p>***</p> <p><b>4.1503 Springwater Sub-districts In General</b></p> <p>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 <b>Section 4.1501</b> and the Comprehensive Plan.</p> <p>The Sub-districts in Springwater are:</p> <p>Full Name (Short Name/Map Symbol)</p> <p>Very Low Density Residential - Springwater (VLDR - SW)</p> <p>Low Density Residential - Springwater (LDR - SW)</p> <p>Townhouse Residential - Springwater (THR - SW)</p> <p>Village Center - Springwater (VC – SW)</p> <p>Research/Technology Industrial – Springwater (RTI-SW)</p> <p>Industrial – Springwater (IND – SW)</p> <p>Neighborhood Commercial - Springwater (NC - SW)</p> <p><del>Environmentally Sensitive Resource Area – Springwater (ESRA-SW)</del></p>	<p><i>Removing reference to out of date code</i></p>
<p><b>Table 4.1508 Development Standards in Springwater Residential Sub-districts</b></p>	

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**Table 4.1508 - Development Standards in Springwater Residential Sub-districts**

Use Categories:	VLDR-SW	LDR-SW	THR-SW
Residential Density: Minimum – Maximum (dwelling units per net acre) See definition of Net Acreage In <b>Article 3</b>	Up to 3.6 units per net acre. No minimum density in this zone.	From 5.8 to 7.3 units per net acre	From 12.0 to 17.4 units per net acre
Minimum Buildable Lot Size (square feet) <del>Note – ESRA district land does not affect this calculation)</del>	10,000	5,000	Attached: 1,800 Detached: 3,000
Minimum Lot Dimensions			

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**Springwater Overlay Sub-districts**

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**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

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<p>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.</p>	
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#### 4.1566 Xeriscape Landscaping Requirements

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##### 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~~Resource 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

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<p>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.</p> <p>8. Environmentally sensitive habitat. Where landscaping is required for new development on parcels adjacent to or including the <del>ESRA plan district</del> <u>Natural Resource Overlay</u>, 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.</p>	<p><i>Updating to reference new overlay</i></p>
<p><b><del>Springwater Environmentally Sensitive Resource Area (ESRA) District</del></b> <b><del>4.1570 – 4.1594</del></b></p>	<p><i>Removing Section to be replaced by 5.0700 NRO</i></p>

**4.1595 Solar Energy Standards for Springwater Districts**

Solar energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

- 1. VLDR-SW, LDR-SW, THR-SW and ~~ESRA-SW~~: The following limitations on maximum height apply to all solar energy systems in these districts:
  - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
  - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
- 2. NC-SW and VC-SW: The following limitations on maximum height apply to solar energy systems in these districts:

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<ul style="list-style-type: none"> <li>a. Roof-top, Flat-roof and Integrated. <ul style="list-style-type: none"> <li>i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.</li> <li>ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.</li> </ul> </li> <li>b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.</li> </ul> <p>3. RTI-SW and IND-SW: The following limitations on maximum height apply to solar energy systems in these districts:</p> <ul style="list-style-type: none"> <li>a. Roof-top, Flat-roof and Integrated. The solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.</li> <li>b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.</li> </ul> <p><b>D. Setbacks and Yards.</b></p> <ul style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.</li> <li>2. NC-SW and VC-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts.</li> <li>3. RTI-SW and IND-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts.</li> </ul>	<p><i>Removing out of date reference</i></p>
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**4.1596 Wind Energy Standards for Springwater Districts**

Wind energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

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<p>systems in these districts:</p> <ul style="list-style-type: none"> <li>a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.</li> <li>b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system.</li> </ul> <p>3. RTI-SW and IND-SW: The following limitations on maximum height apply to all wind energy systems in these districts:</p> <ul style="list-style-type: none"> <li>a. Roof-top. Wind energy system height shall not exceed a value equal to 45 feet above the roof top.</li> <li>b. Ground-mounted. Ground-mounted wind energy systems shall not exceed 110 feet in height.</li> </ul> <p>D. Setbacks and Yards.</p> <ul style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.</li> <li>2. NC-SW and VC-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.</li> </ul> <p>3. RTI-SW and IND-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts.</p>	<p><i>Removing out of date reference</i></p>
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**4.1597 Biomass Energy Standards for Springwater Districts**

Biomass energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

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and the street in these districts.

3. RTI-SW and IND-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts.

<p><b>4.1598 Geothermal Energy Standards for Springwater Districts</b></p> <p>Geothermal energy systems are limited in Springwater districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>:</p> <p><b>A. Scale.</b></p> <ol style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Small scale geothermal energy systems are permitted in these districts.</li> <li>2. NC-SW and VC-SW: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.</li> <li>3. RTI-SW and IND-SW: Small or large scale geothermal energy systems are permitted.</li> </ol> <p><b>B. Type.</b></p> <ol style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.</li> <li>2. NC-SW and VC-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.</li> <li>3. RTI-SW and IND-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts.</li> </ol> <p><b>C. Height.</b></p> <ol style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Geothermal systems shall not exceed the maximum district height limits in these districts.</li> <li>2. NC-SW and VC-SW: Geothermal systems shall not exceed the maximum district height limits in these districts.</li> <li>3. RTI-SW and IND-SW: Geothermal systems shall not exceed the maximum district height limits in these districts.</li> </ol> <p><b>D. Setbacks and Yards.</b></p> <ol style="list-style-type: none"> <li>1. VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per <b>Section 9.0900</b></li> </ol>	<p><i>Update to reflect new overlay</i></p> <p><i>Removing out of date reference</i></p> <p><i>Removing out of date reference</i></p> <p><i>Removing out of date reference</i></p> <p><i>Removing out of date reference</i></p>
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Projections.

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

**4.1599 Micro-Hydro Energy Standards for Springwater Districts**

Micro-hydro energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay):

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

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<p>would apply.</p> <p><b>D. Setbacks and Yards.</b></p> <ol style="list-style-type: none"> <li><b>1.</b> VLDR-SW, LDR-SW, THR-SW and <del>ESRA-SW</del>: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.</li> <li><b>2.</b> NC-SW and VC-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.</li> <li><b>3.</b> RTI-SW and IND-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.</li> </ol>	<p><i>Removing out of date reference</i></p>
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**Section 5. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0000 Purpose and Authority is amended as follows:**

<b>Proposed Text Amendment</b>	<b>Commentary</b>
<p><b>General</b></p> <hr/> <p><b>5.0001 Overlay Districts</b></p> <p>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:</p> <ol style="list-style-type: none"> <li><b>1.</b> Floodplain Overlay District</li> <li><b>2.</b> Hillside <u>and Geologic Risk</u> <del>Physical Constraint</del> Overlay District</li> <li><b>3.</b> Historic and Cultural Landmarks Overlay District</li> <li><b>4.</b> <del>Habitat Conservation Area</del> Overlay District <u>Reserved</u></li> <li><b>5.</b> Open Space Overlay District</li> <li><b>6.</b> Gresham Butte Scenic View Overlay District</li> </ol>	<p><i>Updated to reflect new overlay names</i></p>

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<p><u>7. Natural Resource Overlay</u> ***</p>	<p><i>Updated to reflect new overlay names</i></p>
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**Section 6. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0100 Flood Plain Overlay District is amended as follows:**

Proposed Text Amendment	Commentary
<p>***</p> <p><b>Permitted Uses</b></p> <hr/> <p><b>5.0110 Permitted Land Uses</b></p> <p>Uses permitted in the Floodplain 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 <del>Habitat Conservation Area Overlay Districts</del> <u>Hillside and Geologic Risk Overlay, Natural Resources Overlay or Open Space (OS) Overlay Districts</u>, development shall be permitted only in accordance with provisions of those special purpose districts. In Floodplain 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 Floodplain Overlay District shall be accompanied by documentation prepared by a registered civil engineer demonstrating to the satisfaction of the Manager that the development:</p> <ul style="list-style-type: none"> <li>A. Will not result in an increase in floodplain area on other properties;</li> <li>B. Will not reduce natural flood storage volumes; and</li> <li>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.</li> </ul> <p>***</p>	<p><i>Updated to reflect new overlay names</i></p>

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**Section 7. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0200 Hillside Physical Constraint Overlay District is amended as follows:**

Proposed Text Amendment	Commentary
This section to be removed and replaced with Hillside and Geologic Risk Overlay. See Exhibit A.3.b.	

**Section 8. Volume 3, Development Code, Article 5 Overlay Districts, 5.0400 Habitat Conservation Area (HCA) Overlay District is amended as follows:**

Proposed Text Amendment	Commentary
This section to be removed and replaced. See Exhibit A.3.c.	

**Section 8. Volume 3, Development Code, Article 6 Land Divisions, 6.0000 Introductory Provisions is amended as follows:**

Proposed Text Amendment	Commentary
<p>***            Lot Design Standards            ***</p> <p><b>6.0012 Lots in <del>Excessively Sloped Areas</del> Environmental Overlay Districts</b></p> <p>Development permit requests in <u>Floodplain Overlay District, Hillside and Geologic Risk Overlay, Natural Resource Overlay</u> areas exceeding 15% slope may be developed in accordance with the provisions of the underlying district and <u>the relevant sections of Article V</u><del>Section 5.0200</del>, and if applicable, <b>Section 6.0300</b>.</p> <p>***</p> <p><b>6.0212 Duration of Exemption from Subsequently Adopted Land Use Ordinance</b></p> <p>For the purposes of ORS 92.040(2) and (3), after September 9, 1995, construction within an approved subdivision shall <u>at the Applicant's discretion</u> be subject to the City of Gresham land use laws that were in effect on the date the tentative subdivision plan application was made and shall not be subject to subsequently adopted City of Gresham land use laws. This exemption from subsequently adopted City of Gresham land use laws shall terminate 2 years from the date the City of Gresham land use decision on the tentative subdivision becomes final.</p>	<p><i>Updated to reflect new overlays</i></p> <p><i>Updated to better reflect state law</i></p>

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<p>***</p> <p><b>6.0302 Applicability</b></p> <p>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, <u>LDR-PV, LDR-SW</u>, TLDR and TR. Only those housing types permitted as allowed uses in each district shall be allowed in PDs.</p> <p>***</p> <p>-----</p>	<p><i>Updated to extend to all the low-density residential zones with HGRO</i></p>
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**Section 9. Volume 3, Development Code, Article 6 Land Divisions, Section 6.0300 Planned Developments is amended as follows:**

Proposed Text Amendment	Commentary
<p>General</p> <hr/> <p>***</p> <p><b>6.0312 Modification of Tentative PD Plan Approval</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>A. An increase in the number of dwelling units approved as part of the tentative plan.</li> <li>B. A change in the mix of dwelling types.</li> <li>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 Floodplain, Hillside <del>Physical Constraint</del> <u>and Geologic Risk Overlay</u>, Open Space, or <del>Habitat Conservation Area Overlay District</del> <u>Natural Resource Overlay</u> overlay designation.</li> </ul> <p>***</p>	<p><i>Updated to reflect new overlay names</i></p>
<p><b>6.0321 Exception to Site Development and Zoning Standards</b></p>	

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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-PV, LDR-SW, LDR-5, LDR-7, TLDR and TR**

	Detached Dwelling Unit	Single Family Attached Dwelling Units (multiple lots) <sub>6</sub>	Duplexes <sup>7</sup>
<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 –	See underlying district	See underlying district	See underlying

*Updated to extend to all the low-density residential zones with HGRO*

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Perimeter Lots			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

1 Developments subject to Overlay Districts may also be restricted in density as per those Districts.

2 It shall be demonstrated for each lot that there is a building area of adequate space to accommodate the proposed dwelling type.

3 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.

4 Whichever is greater.

5 It shall be demonstrated that general utility facilities can be accommodated and, if necessary, general utility easements shall be provided.

6 Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW.

7 Duplexes are not allowed in LDR-5 or LDR-7 as part of a PD.

**6.0322 PD Density Transfer for Sites with Hillside and Geologic Risk Overlay District**  
To encourage the development of PDs in the Hillside and Geologic Risk Overlay District areas, a density transfer shall be provided.

**Table 6.0322**  
**PD Density For Hillside and Geologic Risk Overlay District**

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<b>Property</b>		
In areas of the lot(s) or parcel(s) that are:	Percentage of maximum density from underlying zone:	
0% – 15% slope <u>HGRO</u>	100%	<i>Updated to reflect new overlay name</i>
15% - 25% slope	35%	
25% – 35% slope	20%	<i>Updated to reflect new overlay standards, definition of density, and density transfer</i>
35%+ slope <u>HSS</u>	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 and Geologic Risk 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 outside the HSS. No dwelling units shall be constructed on slopes over 35% in the HSS, except as provided under **Section 5.02212(F)**.~~

*Updated to remove the requirement to calculate slope*

*Updated to reflect overlay name change*

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<del><b>6.0323</b> PD Density Credit for Natural Resources Overlay District Property</del>	<i>Removed and replaced by NRO density transfer (Exhibit A.3.c)</i>
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<p>of site limit (if Hillside <u>and Geologic Risk Overlay</u>) as per <del>Section 5.0223</del><u>10(B)</u>, 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 <u>and Geologic Risk Overlay</u> areas or not, adjoining other developed areas.</p> <p><b>C.</b> A minimum site size of 2 acres is required for establishment of a Large Lot PD.</p> <p><b>D.</b> 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.</p> <p><b>E.</b> All PD requirements (except as authorized above) are still in effect for Large Lot PDs.</p>	<p><i>Updated to reflect overlay name change</i></p>
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**Section 10. Volume 3, Development Code, Article 8 Land Use Districts and Plan Districts, Section 8.0300 Institutional Master Plans is amended as follows:**

<b>Proposed Text Amendment</b>	<b>Commentary</b>
<p><b>8.0303 Review of Institutional Master Plans</b></p> <p>***</p> <p><b>C.</b> Other reviews. The Institutional Master Plan review may integrate the following review processes:</p> <ol style="list-style-type: none"> <li><b>1.</b> Determination of allowed uses; and</li> <li><b>2.</b> Design review regarding relevant site design elements such as building footprints, landscape areas and parking lot areas. This shall not include building and landscape design; and</li> <li><b>3.</b> Modifications and variances, <del>including modifications of Environmentally Sensitive/Restoration Areas or Habitat Conservation Area</del>; and</li> <li><b>4.</b> Modifications of conditions of approval on previously approved existing buildings that involve relevant use or site design elements; and</li> <li><b>5.</b> Other reviews appropriate for the institutional master plan as determined by the Manager.</li> </ol> <p>Reviews that require City Council decisions shall receive those decisions separate from the institutional master plan review.</p>	<p><i>Updated to remove redundancy</i></p>

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<p>***</p> <p><b>8.0306 Review of Subsequent Developments</b></p> <p><b>A.</b> Subsequent developments shall be reviewed for their consistency with the approved mater plan and shall undergo all relevant reviews as listed in <b>Section 11.0204</b> of the Development Code, except reviews already completed as part of the institutional master plan approval. These reviews shall be for standards not already approved as part of the institutional master plan approval and shall use the latest Development Code standards, including applicable requirements of <b>Appendix 5.000 – Public Facilities Standards</b>. The review shall consider the latest standards related to natural resources, resource delineations and overlay districts, including but not limited to standards for <u>Natural Resource Overlay</u><del>Habitat Conservation Areas, Environmentally Sensitive Resource Areas</del> and the Floodplain Overlay District.</p> <p><b>B.</b> Subsequent development phases may be implemented in a different order than originally proposed in the institutional master plan phasing as long as the development remains in compliance with Development Code standards, such as those involving parking, landscape area required, stormwater treatment and similar standards.</p> <p>***</p>	<p><i>Updated to reflect overlay name change</i></p>



<p>Regulated Trees; or</p> <p>b. For commonly owned, contiguous parcels equal to or greater than 35,000 square feet: up to six Regulated Trees.</p> <p>***</p> <p><b>9.1014 Tree Types: Required, Regulated, Significant</b>  Definitions and illustrations of common tree types are provided below for reference, see <b>Section 3.0103</b> for the full list of tree definitions.</p> <p>***</p> <p><b>B. Regulated Trees</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Definition of Regulated Tree:</b>  A tree that has a Diameter at Breast Height (DBH) of 8 inches or greater, including trees located in <del>the Special Purpose Overlay Districts</del> <u>the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District</u>. Regulated Trees are not Required or Significant Trees.</p> </div> <p>***</p>	<p><i>Updated to improve specificity of reference</i></p>
<p><b>9.1020 Trees: Existing Development</b></p> <hr/> <p>***</p> <p><b>F.</b> <del>Trees in Overlay Districts.</del> Tree Removals in <u>the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District</u> <del>a Special Purpose Overlay District</del> shall meet the standards of the applicable overlay district(s) and the following standards:</p> <ol style="list-style-type: none"> <li>1. <del>All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.</del></li> <li>2. Required Trees. Street Trees, Buffer Trees, Landscape Trees, and Parking Lot Trees may be removed in accordance with <b>Section 9.1021(A)</b> but shall be replaced when applicable in accordance with <b>Section 9.1022</b>.</li> <li>3. For Regulated Trees:</li> </ol>	<p><i>Updated to improve specificity of reference</i></p>

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<p>a. Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborist report is not required. Non-native and invasive trees are identified on the official City Invasive Species List.</p> <p>b. Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require a Certified Arborist report and be reviewed under a Type II procedure.</p> <p>c. Removal of native and non-hazardous trees shall be reviewed under a Type II procedure.</p> <p>d. Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure.</p> <p>e. Type II tree removals shall meet the standards of <b>Section 9.1032(E)</b>, and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, <del>such as slope stabilization, habitat provision and/or environmental benefits such as stream shading.</del></p> <p>f. Removal of native or non-native trees that are determined to be hazardous or causing property damage must follow the procedures outlined in <b>Section 9.1021(D)</b>. The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, <del>such as slope stabilization, habitat provision and/or environmental benefits such as stream shading.</del> A revegetation plan is not required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.</p> <p>4. Significant Trees. Significant Trees may be removed in accordance with <b>Section 9.1056</b>. ***</p>	<p><i>Updated to remove references to NRO and HGRO</i></p>
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## 9.1030 Trees: During Development

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### 9.1032 Tree Removal: During Development

- A. ~~All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.~~
- B. Regulated and Required Trees within 10 feet of the footprint of a proposed single-family dwelling, addition, or improvement may be removed with the issuance of a building permit.
- C. Removal of Required and Significant Trees not removed in accordance with **Section 9.01032(B)** above, except for trees in the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District, shall meet the following standards:
  - 1. Buffer Trees, Parking Lot Trees, Landscape/Site Trees and Street Trees. Buffer trees, parking lot trees, landscape/site trees and street trees may be removed during construction in accordance with an approved land use permit but shall be replaced in accordance with **Section 9.1033**.
  - 2. Significant Trees. For removal of Significant Trees during development also see **Section 9.1056**.
  - 3. Perimeter Trees.
    - a. Other Uses. Perimeter Trees may be removed during construction in accordance with an approved land use permit. If no land use permit has been acquired, Perimeter Tree removal shall be reviewed under a Type I procedure. Applicants shall meet the removal standards in **Section 9.1032(E)(6)**. Perimeter trees removed as a result of land division shall be replaced in accordance with **Section 9.1033**.
- D. Regulated Trees to be removed, which includes topping, during construction in excess of the thresholds in **Section 9.1013(A)**, except trees in the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District ~~Special Purpose Overlay Districts~~, shall be reviewed under a Type II procedure.
- E. All Type II tree removal permits shall adhere to the following retention criteria:
  - 1. ~~Trees shall be retained along Water Quality Resource Areas (as described in **Section 5.0417**) and within Habitat Conservation Area Class 1 riparian areas (as described in **Table 5.0414(A)**)~~

*Updated to reflect the decoupling of the tree code and the overlays*

*Updated to improve specificity of reference*

*Updated to improve specificity of reference*

*Updated to remove the reference to out of date code*

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~~according to disturbance limits described within Section 5.0400. A mitigation plan, prepared by a qualified natural resource specialist such as a botanist, ecologist, geomorphologist or professional wetland scientist, shall accompany any tree removal or grading plan proposed along a Water Quality Resource Area (as described in Section 5.0417).~~

2. Conifers shall be retained in sufficiently large areas and in dense stands to ensure against wind throw.
3. 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 2 percent of the total improvement value, excluding land cost.
4. Any required mitigation shall be guaranteed prior to issuance of a grading permit for any portion of the site.
5. The Manager may require a mitigation plan or wind throw assessment to be provided by a Certified Arborist or a registered landscape architect.
6. Other Uses.
  - a. Health reasons to remove a Required Tree include:
    - i. The tree shows an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
    - ii. The tree is infested with pests or disease that left untreated can lead to death.
    - iii. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline.
  - b. Non-Health reasons to remove a Required Tree include:
    - i. The tree blocks vision for motorists.
    - ii. The tree causes sidewalk upheaval.
    - iii. There is a crime prevention concern associated with the Required Tree that cannot be ameliorated with proper pruning techniques.
    - iv. The tree interferes with right-of-way objects, such as driveways and light poles.
    - v. The tree presents a potential hazard for property or people.

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vi. Other reason as approved by the Manager.

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- G.** Tree removal in the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District ~~a Special Purpose Overlay District~~ shall meet the applicable removal standards of **Section 9.1000**. All replacement requirements shall comply with applicable provisions of the Special Purpose Overlay Districts:
1. Street trees, parking lot trees, buffer trees, perimeter trees and landscape trees may be removed in accordance with **Subsection 9.1032(C)** and shall be replaced when applicable in accordance with **Section 9.1033**; and
  2. Significant Trees may be removed in accordance with **Section 9.1056**; and
  3. For Regulated Trees:
    - a. Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborist report is not required. Non-native and invasive trees are identified on the official City Invasive Species List; and
    - b. Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require a Certified Arborist report and be reviewed under a Type II procedure; and
    - c. Removal of native and non-hazardous trees shall be reviewed under a Type II procedure; and
    - d. Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure; and
    - e. Type II tree removals shall meet the standards of **Section 9.1032(E)**, and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading; and
    - f. Removal of native or non-native trees that are determined to be hazardous or causing

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<p>property damage must follow the procedures outlined in <b>Section 9.1021(D)</b>. The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading. A revegetation plan is not required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.</p>	<p><i>Updated to remove references to NRO and HGRO</i></p>
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**Section 11. Volume 3, Development Code, Article 10 Supplementary Development Regulations, Section 10.0900 Renewable Energy is amended as follows:**

Proposed Text Amendment	Commentary
<p>***</p> <p><b>10.0920 Wind Energy Systems Standards</b></p> <hr/> <p>***</p> <p><b>10.0925 Wind Energy Systems Environmental Standards</b></p> <p><b>A.</b> Wind energy systems shall not be allowed in the city’s environmental overlays or districts, such as <u>Natural Resource Overlay (NRO)</u>, <del>Habitat Conservation Area (HCA); Environmentally Sensitive/Restoration Area – Pleasant Valley (ESRA-PV); Environmentally Sensitive Resource Area – Springwater (ESRA-SW); or wetland (WQRA)</del> areas except that a single-family residence located entirely within a <del>HCA, ESRA-PV or ESRA-SW</del> <u>NRO</u> may have a helical vertical axis turbine roof-top wind energy system.</p> <p><b>B.</b> Horizontal axis wind energy systems (with blades) shall be set back 100 feet from identified wetlands and bird habitat areas plus the 1.1 times the system height setback of <b>Section 10.0924(B)</b>.</p> <p><b>C.</b> The natural grade shall not be changed to increase the elevation of the wind energy system.</p> <p>***</p>	<p><i>Updated to reflect new overlays</i></p>

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**Section 12. Volume 3, Development Code, Article 11 Procedures, Section 11.0100 Development Permit Requirements is amended as follows:**

Proposed Text Amendment	Commentary
<p><b>11.0100 Development Permit Requirements</b></p> <hr/> <p>***</p> <p><b>11.0102 Exclusions from Development Permit</b></p> <p>The following activities do not require a Development Permit except as noted.</p> <p><b>A.</b> Landscaping not involving a structure. Landscaping does not include the paving of a parking lot. Landscaping in the Floodplain <u>Overlay District</u> and <del>Habitat Conservation Area</del> <u>Natural Resource Overlay Districts</u> may require a development permit, as described in <b>Section 5.0100</b> and <del><b>Section 5.0400</b></del> <b><u>5.0700</u></b>.</p> <p><b>B.</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;</p> <p><b>C.</b> An emergency measure necessary for the immediate safety of persons or protection of property. <u>In such circumstances, the property owner must notify the City of the activity within 5 calendar days. An application or pre-application request (as appropriate) for a Development Permit shall be filed within 30 calendar days promptly if the action otherwise would require a Development Permit but for the emergency. Any required application must be obtained within 1 year of the action.</u></p> <p><b>D.</b> The following activities do not require a Development Permit, except in the Floodplain <u>Overlay District</u> and <del>Habitat Conservation Area</del> <u>Natural Resource Overlay Districts</u>.</p> <ol style="list-style-type: none"> <li>1. Erection of a tent or similar portable structure for non-commercial use not exceeding 10 days.</li> <li>2. Expansion or continuation of an existing farming operation.</li> <li>3. An alteration that does not substantially affect the use or appearance of land or a structure.</li> <li>4. 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.</li> <li>5. A modular unit or trailer used as a construction office on a job site during construction activities that is removed before final occupancy is approved for the project.</li> </ol>	<p><i>Updated to reflect new overlays</i></p> <p><i>Updated to include enforceable timelines for retroactive permitting</i></p> <p><i>Updated to reflect new overlays</i></p>

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<p><b>6.</b> Commercial structures of under 200 square feet not visible from a public place.</p> <p><b>E.</b> The following activities do not require a Development Permit, except in the <del>Habitat Conservation Area, Floodplain Overlay District, Hillside and Geologic Risk Overlay, and Natural Resource Overlay Districts, Hillside Physical Constraint Overlay District, Environmentally Sensitive/Restoration Area—Pleasant Valley (ESRA PV), and Environmentally Sensitive Resource Area—Springwater (ESRA SW):</del></p> <ol style="list-style-type: none"> <li><b>1.</b> The establishment, construction, maintenance, or termination of minor basic utilities and the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas lines, communication and data lines, and telephone and television cable lines; and public paths and trails which are identified in the Gresham Community Development Plan as a transportation facility, constructed by a public agency, and are within a public right-of-way or a public access easement.</li> <li><b>2.</b> Construction, maintenance, or demolition of an accessory structure that does not require a building permit.</li> <li><b>3.</b> Excavation or filling of land not exceeding 50 cubic yards within any 1 year period and the following activities: <ol style="list-style-type: none"> <li><b>a.</b> Excavations below finish grade for basements and footings of a building, retaining walls</li> <li><b>b.</b> Cemetery graves</li> <li><b>c.</b> Excavations for wells, tunnels, or utilities</li> <li><b>d.</b> Exploratory excavations under the direction of a soils engineer or engineering geologist</li> <li><b>e.</b> 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</li> <li><b>f.</b> A fill less than 1 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 one lot and does not obstruct a drainage course</li> <li><b>g.</b> Grading for a parcel that conforms to an approved grading plan</li> </ol> </li> </ol> <p>***</p>	<p><i>Updated to reflect new overlays</i></p>
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**Section 13.** Volume 3, Development Code, Article 11 Procedures, Section 11.0200 Initiation and Classification of Applications is amended as follows:

Proposed Text Amendment	Commentary
<p>***</p> <p>Table 11.0204 Land Use Applications and Review Authorities to be amended. See Exhibit A.3.d.</p>	

**Section 14.** Volume 3, Development Code, Article 12 Map Amendments, Section 12.0000 Plan Map Amendments and Amendments to Map Boundaries is amended as follows:

Proposed Text Amendment	Commentary
<p><b>Overlay Districts</b></p> <hr/> <p>12.0010 Overlay District Adjustments</p> <p>The boundaries of the Floodplain <u>Overlay District</u> or Hillside <u>and Geologic Risk Physical Constraint Overlay and Natural Resource Overlay</u> Districts may be adjusted by the Manager under the Type I procedure <del>and Habitat Conservation Area or Open Space Overlay District boundaries may be adjusted under the Type II procedure</del> when new information has been obtained establishing that the boundary should be changed to fulfill the purpose for the special purpose district.</p> <p>***</p>	<p><i>Updated to reflect new overlays</i></p>

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