

# SECTION 4.1400

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## General Provisions

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### 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 7**, 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**

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#### **Purpose and Characteristics**

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##### **4.1404 Low-Density Residential – Pleasant Valley (LDR-PV)**

This designation affects land primarily intended for single-family detached dwellings, manufactured homes, and duplexes 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 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**.

#### **4.1406 High-Density Residential - Pleasant Valley (HDR-PV)**

The High Density Residential (HDR) 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.

**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.

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**

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### **4.1407 Permitted Uses**

**Table 4.1407** lists the types of land uses which are permitted in the Pleasant Valley Residential Sub-districts.

- P = Permitted use
- L = Use is permitted, but is limited in the extent to which it may be permitted
- NP = Use not permitted
- SUR = Use permitted subject to a Special Use Review

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

USES	LDR-PV	MDR-PV	HDR-PV
<b>RESIDENTIAL</b>			
Single-Family Detached Dwelling	P	P	NP
Duplex	L <sup>1</sup>	P	P
Single-Family Attached Dwellings	L <sup>2</sup>	P	P
Attached Dwellings on a Single Lot	NP	P	P
Elderly Housing	NP	SUR	SUR
Manufactured Dwelling Park	NP	NP	NP
Residential Facility	P	P	P
Residential Home	P	P	NP
<b>COMMERCIAL</b>			
Auto-Dependent Use	NP	NP	NP
Business and Retail Service and Office	NP	NP	NP
Clinics	NP	NP	NP
Commercial Parking	NP	SUR	SUR
Daycare Facilities	SUR	SUR	SUR
Live-Work <sup>3</sup>	NP	P	P
Major Event Entertainment	NP	NP	NP
Mini-Storage Facilities	NP	NP	NP
Outdoor Commercial	NP	NP	NP
<b>INDUSTRIAL</b>			
Construction	NP	NP	NP
Exclusive Heavy Industrial Uses	NP	NP	NP
Industrial Office	NP	NP	NP
Information Services	NP	NP	NP
Manufacturing	NP	NP	NP
Miscellaneous Industrial	NP	NP	NP
Trade Schools	NP	NP	NP
Transportation/Distribution	NP	NP	NP
Warehousing/Storage	NP	NP	NP
Waste Management	NP	NP	NP
Wholesale Trade	NP	NP	NP
<b>INSTITUTIONAL USES</b>			
Civic Use	SUR	SUR	SUR
Community Services	SUR	SUR	SUR
Medical	NP	NP	NP
Parks, Open Spaces and Trails	SUR	SUR	SUR
Religious Institutions	L/SUR <sup>4</sup>	SUR	SUR
Schools	SUR	SUR	SUR

USES	LDR-PV	MDR-PV	HDR-PV
<b>RENEWABLE ENERGY<sup>7</sup></b>			
Solar Energy Systems	L <sup>8</sup>	L/SUR <sup>8</sup>	L/SUR <sup>8</sup>
Wind Energy Systems	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>
Biomass Energy Systems	L/SUR <sup>10</sup>	L <sup>10</sup>	L <sup>10</sup>
Geothermal Energy Systems	L <sup>11</sup>	L/SUR <sup>11</sup>	L/SUR <sup>11</sup>
Micro-Hydro Energy Systems	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>
<b>OTHER</b>			
Basic Utilities			
Minor basic utilities	P	P	P
Major basic utilities	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>
Heliports <sup>6</sup>	NP	NP	NP
Wireless Communication Facilities	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P
Marijuana Businesses	NP	NP	NP

**Table 4.1407 Notes**

<sup>1</sup> Permitted under the provisions of **Section 4.1410**.

<sup>2</sup> Lot size may be reduced to 3,500 square feet. In the LDR-PV, this use is limited to two-unit configurations.

<sup>3</sup> 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.

<sup>4</sup> Limited to facilities used for religious worship with seating for 300 or fewer persons within the principal place of assembly.

<sup>5</sup> Electrical generating facilities and sewage treatment plants are not permitted.

<sup>6</sup> Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

<sup>7</sup> See **Section 10.0900** for additional standards that apply.

<sup>8</sup> For limitations, see **Section 4.1487** Solar Energy System Standards for Pleasant Valley Districts.

<sup>9</sup> For limitations, see **Section 4.1488** Wind Energy System Standards for Pleasant Valley Districts.

<sup>10</sup> For limitations, see **Section 4.1489** Biomass Energy System Standards for Pleasant Valley Districts.

<sup>11</sup> For limitations, see **Section 4.1490** Geothermal Energy System Standards for Pleasant Valley Districts.

<sup>12</sup> For limitations, see **Section 4.1491** Micro-Hydro Energy System Standards for Pleasant Valley Districts.

## Standards

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### 4.1408 Development Standards Table

The development standards listed in **Table 4.1408** 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.

**Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts**

Use Categories	LDR-PV	MDR-PV	HDR-PV
<b>Residential Density: Minimum – Maximum</b> (dwelling units per net acre) Section 4.1476(D) See Net Acreage definition in Article 3	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/ 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 / manufactured home Single-family attached dwellings (2 units) <sup>4</sup> Single-family attached dwellings (3 or more units) <sup>4</sup> Live-Work attached dwellings <sup>4</sup> Duplexes <sup>1</sup> Attached dwellings (3 or more units)	5,000 sf 3,500 sf Not applicable Not applicable 6,000 sf Not applicable	3,000 sf 1,600 sf 1,600 sf 1,600 sf 3,500 sf 10,000 sf	Not applicable None None None None None
<b>Minimum Lot Dimensions<sup>2</sup></b>			
Detached dwelling unit/manufactured home (1) Width at building line (a) Interior Lots (b) Corner Lots (2) Depth (a) Interior Lots (b) Corner Lots	 (1a) 35 ft (1b) 40 ft  (2a) 70 ft (2b) 70 ft	 (1a) 20 ft (1b) 25 ft  None None	 Not applicable Not applicable  Not applicable Not applicable
Single-family attached dwellings (2 units) <sup>7</sup> (1) Width at building line (a) Interior Lots (b) Corner Lots (2) Depth (a) Interior Lots (b) Corner Lots Single-family attached dwellings (3 or more units) and Live-Work attached dwellings <sup>7</sup> (1) Width at building line (a) Interior Lots (b) Corner Lots (2) Depth (a) Interior Lots (b) Corner Lots	 (1a) 16 ft (1b) 25 ft  (2a) 70 ft (2b) 70 ft  Not applicable  Not applicable	 (1a) 16 ft (1b) 25 ft  (1a) 16 ft (1b) 25 ft  (1a) 16 ft (1b) 25 ft  None None	 None None  None None  None None  None None

**Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts**

Use Categories		LDR-PV	MDR-PV	HDR-PV
Duplexes <sup>1</sup>				
(1) Width at building line		(1a) 35 ft	(1a) 16 ft	None
(a) Interior Lots		(1b) 40 ft	(1b) 25 ft	None
(b) Corner Lots				
(2) Depth		(2a) 70 ft	None	None
(a) Interior Lots		(2b) 70 ft	None	None
(b) Corner Lots				
Attached dwellings (3 or more units)		Not applicable	None	None
(1) Width at building line			None	None
(a) Interior Lots			None	None
(b) Corner Lots			None	None
(2) Depth			None	None
(a) Interior Lots				
(b) Corner Lots				
<b>Minimum Lot Width / Depth Ratio</b>				
Detached dwelling unit/manufactured home		None	None	None
All Other Uses		None	.5:1	.5:1
<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
Duplexes <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>	<b>Building Height Maximum</b>	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

**Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts**

Use Categories	LDR-PV	MDR-PV	HDR-PV
Buffering Required	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100
Minimum/Maximum Off-Street Parking Required	As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851
Design Review Criteria (Section 7.0000)	No	Yes	Yes
Safe Neighborhood Design Performance Standards Apply (Section 4.1411)	Yes	Yes	Yes
Transit Design Criteria and Standards Apply (4.1425)	No	Yes	Yes
Clear Vision Area Required (Section 9.0200)	Yes	Yes	Yes

- 1 See Section 4.1411 for additional duplex standards.
- 2 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.
- 3 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 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.
- 5 See Table 4.1407 for additional standards pertaining to attached units.
- 6 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.

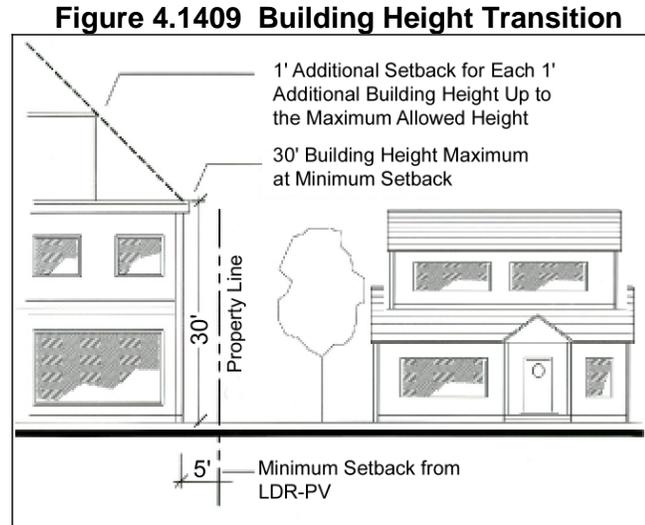
**Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts**

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

1. The maximum front or streetside setback from a building containing dwelling units abutting a Principal, Major, Standard 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:

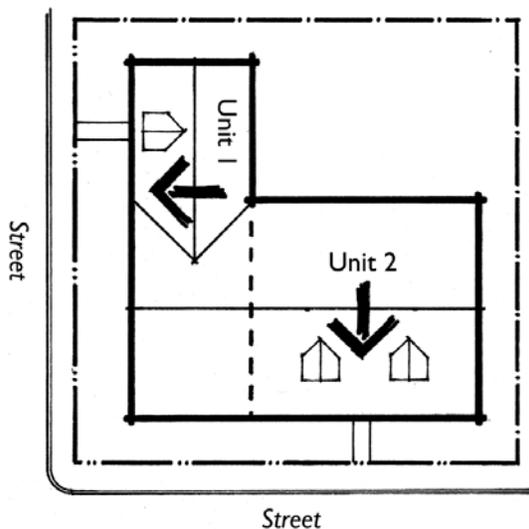


#### 4.1410 Duplexes in the LDR-PV Sub-district

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.

**Figure 4.1410 Duplexes in the LDR-PV Subdistrict**



#### 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 duplexes.

- A.** Visible Dwelling Front. Except for dwellings on the flag portion of flag lots, the front door shall be oriented toward the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from:
1. the front door; or
  2. a street-facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area); or
  3. a street-facing, second-story minimum four-foot-by-four-foot window, except a bathroom 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.

- B.** Street Pedestrian Connection Options. Except for homes on the flag portion of flag lots, 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 from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least three feet beyond the edge of the garage door. (See **Figure 4.0132(D)(2)(b)**).
- C.** 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 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.

#### 4.1412 Public Facilities and Supplementary Requirements

All developments shall also be subject to the applicable requirements of **Article 9** – Common Requirements and **Appendix 5.000** – Public Facilities Standards.

## Pleasant Valley Mixed-Use and Employment Sub-districts

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### Purpose and Characteristics

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#### 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

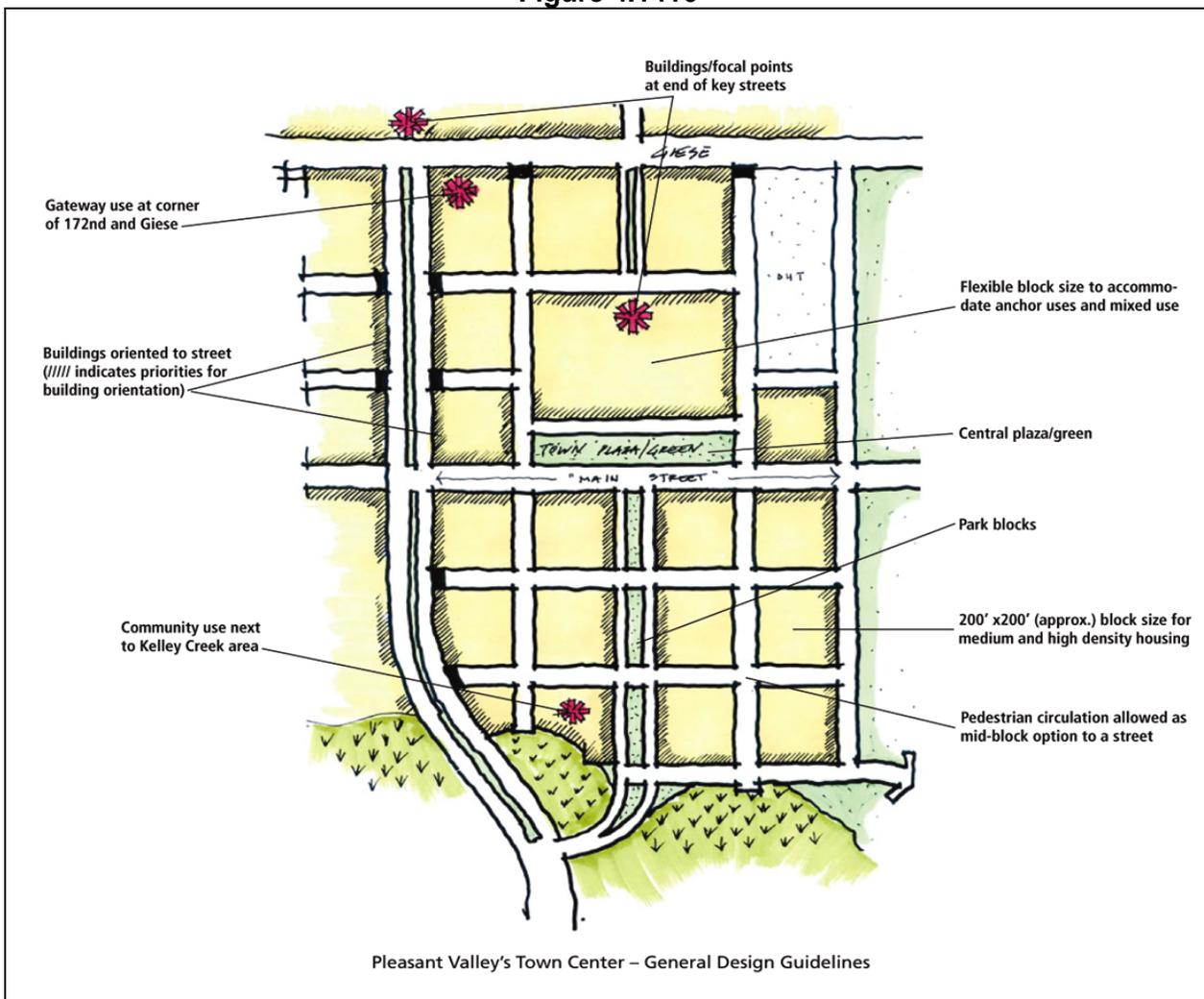
here are percentages of net buildable land. As used here net buildable includes net of unbuildable natural features, green practices facilities, plaza, and public streets.

	Minimum	Maximum
<b>Residential</b>	10%	50%
<b>Retail</b>	20%	60%
<b>Office</b>	20%	60%
<b>Other Permitted Uses</b>	40%	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 or standard 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

Table 4.1420 lists the types of land uses that are permitted in the mixed-use and employment sub-districts of Pleasant Valley.

- P = Permitted use
- L = Use is permitted, but is limited in the extent to which it may be permitted
- NP = Use not permitted
- SUR = Use permitted subject to a Special Use Review

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

USES	TC-PV	NC-PV	MUE-PV	EC-PV
<b>RESIDENTIAL</b>				
Single-Family Detached Dwelling	NP	NP	NP	NP
Duplex	NP	NP	NP	NP
Single-Family Attached Dwellings	L <sup>1</sup>	L <sup>1</sup>	L <sup>2</sup>	NP
Attached Dwellings on a Single Lot	L <sup>1</sup>	L <sup>1</sup>	L <sup>2</sup>	NP
Elderly Housing	SUR	SUR	SUR	NP
Manufactured Dwelling Park	NP	NP	NP	NP
Residential Facility	L <sup>1</sup>	L <sup>1</sup>	L <sup>2</sup>	NP
Residential Home	NP	NP	NP	NP
<b>COMMERCIAL</b>				
Auto-Dependent Use	NP	L <sup>3</sup>	L <sup>4</sup>	NP
Business and Retail Service and Trade	P	L <sup>3</sup>	L <sup>4</sup>	L <sup>5</sup>
Clinics	P	L <sup>3</sup>	L <sup>4</sup>	P
Commercial Parking	SUR	SUR	SUR	NP
Daycare Facilities	P	P	P	L <sup>6</sup>
Live-Work <sup>7</sup>	P	P	P	NP
Major Event Entertainment	L/SUR <sup>8</sup>	L/SUR <sup>8</sup>	L/SUR <sup>8</sup>	SUR
Mini-Storage Facilities	NP	NP	P	NP
Outdoor Commercial	L <sup>9</sup>	P	L <sup>10</sup>	NP

USES	TC-PV	NC-PV	MUE-PV	EC-PV
<b>INDUSTRIAL</b>				
Construction	NP	NP	NP	NP
Exclusive Heavy Industrial Uses	NP	NP	NP	NP
Industrial Office	NP	NP	NP	P
Information Services	NP	NP	NP	P
Manufacturing	NP	NP	NP	L <sup>11</sup>
Miscellaneous Industrial	NP	NP	NP	NP
Trade Schools	NP	NP	NP	NP
Transportation/Distribution	NP	NP	NP	NP
Warehousing/Storage	NP	NP	NP	NP
Waste Management	NP	NP	NP	SUR
Wholesale Trade	NP	NP	NP	NP
<b>INSTITUTIONAL USES</b>				
Civic Uses	SUR	SUR	SUR	SUR
Community Services	SUR	SUR	SUR	L/SUR <sup>12</sup>
Medical	SUR	SUR	SUR	NP
Parks and Open Spaces	L/SUR <sup>13</sup>	L/SUR <sup>13</sup>	L/SUR <sup>13</sup>	L/SUR <sup>13</sup>
Religious Institutions	P	L/SUR <sup>3</sup>	L/SUR <sup>4</sup>	L/SUR <sup>14</sup>
Schools	P/SUR <sup>16</sup>	SUR	P/SUR <sup>16</sup>	L/SUR <sup>14</sup>
<b>RENEWABLE ENERGY<sup>17</sup></b>				
Solar Energy Systems	L/SUR <sup>18</sup>	L/SUR <sup>18</sup>	L/SUR <sup>18</sup>	L/SUR <sup>18</sup>
Wind Energy Systems	L/SUR <sup>19</sup>	L/SUR <sup>19</sup>	L/SUR <sup>19</sup>	L/SUR <sup>19</sup>
Biomass Energy Systems	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>	L <sup>20</sup>
Geothermal Energy Systems	L/SUR <sup>21</sup>	L/SUR <sup>21</sup>	L/SUR <sup>21</sup>	L/SUR <sup>21</sup>
Micro-Hydro Energy Systems	L <sup>22</sup>	L <sup>22</sup>	L <sup>22</sup>	L <sup>22</sup>
<b>OTHER</b>				
Basic Utilities				
Minor basic utilities	P	P	P	P
Major basic utilities	L/SUR <sup>15</sup>	L/SUR <sup>15</sup>	L/SUR <sup>15</sup>	SUR
Heliports	SUR	SUR	SUR	SUR
Wireless Communications Facilities	SUR	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P	P
Marijuana Businesses	NP	L <sup>23</sup>	NP	L <sup>23</sup>

**Table 4.1420 Notes**

<sup>1</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>2</sup> Residential uses permitted only as part of a mixed use building and are not permitted on ground floor.

- <sup>3</sup> The maximum building footprint for any building occupied entirely by a commercial use or uses, or other use subject to this footnote, shall be 10,000 square feet. Larger religious institutions may be pursued through a Special Use Review.
- <sup>4</sup> The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses, or other use subject to this footnote, shall be 40,000 square feet.
- <sup>5</sup> Commercial services such as building maintenance, restaurants, banks, and recreational facilities may be up to 30% of total floor area. 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 this table, the more restrictive size limitation shall govern.
- <sup>6</sup> Daycare is permitted up to 30% of total floor area.
- <sup>7</sup> 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>8</sup> Theme parks are not permitted.
- <sup>9</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>10</sup> The maximum site size for an Outdoor Commercial Use is two acres. See also **Section 4.1427**.
- <sup>11</sup> For purposes of this table, the following uses are permitted: building types that may include any combination of administrative, research and development, production, assembly, and testing functions.
- <sup>12</sup> The following Community Service Uses are not permitted in the EC-PV district: adult or senior centers, drug and alcohol treatment facilities, cemeteries, and mausoleums.
- <sup>13</sup> Golf courses are not permitted. The following additional Parks, Open Spaces, and Trails are not permitted in the EC-PV district: public urban plazas, public neighborhood parks, and public community parks. However, public urban plazas, public neighborhood parks, and public community parks are permitted in the EC-PV district 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 April 2, 2009.
- <sup>14</sup> Religious institutions, elementary schools, middle schools and high schools are permitted in the EC-PV district 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 April 2, 2009.
- <sup>15</sup> Electrical generating facilities are not permitted.
- <sup>16</sup> Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.
- <sup>17</sup> See **Section 10.0900** for additional standards that apply.
- <sup>18</sup> For limitations, see **Section 4.1487** Solar Energy System Standards for Pleasant Valley Districts.
- <sup>19</sup> For limitations, see **Section 4.1488** Wind Energy System Standards for Pleasant Valley Districts.
- <sup>20</sup> For limitations, see **Section 4.1489** Biomass Energy System Standards for Pleasant Valley Districts.
- <sup>21</sup> For limitations, see **Section 4.1490** Geothermal Energy System Standards for Pleasant Valley Districts.
- <sup>22</sup> For limitations, see **Section 4.1491** Micro-Hydro Energy System Standards for Pleasant Valley Districts.
- <sup>23</sup> For limitations, see **GRC 9.63.090**.

## Standards

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### 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.

**Table 4.1421 Mixed-Use and Employment Sub-districts**

	TC-PV	NC-PV	MUE-PV	EC-PV
A. Minimum Lot Size	None	None	None	None
B. Minimum Average Floor Area Ratio (FAR) (Section 4.1422)	.50:1	.35:1	.50:1	.40:1
C. Minimum Residential Density	None	None	None	Not Applicable
D. Maximum Residential Density	None	None	None	Not Applicable
E. Minimum Building Setbacks (Section 4.1423)	0 feet	0 feet	0 feet	15 feet front; 10 feet rear; 0 feet interior side; 15 street side
F. Maximum Building Setbacks (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
G. Minimum Building Height (Section 4.1424)	2 stories <sup>2</sup>	None	2 stories <sup>2</sup>	22 feet
H. Maximum Building Height (Section 4.1424)	45 feet	45 feet	45 feet	45 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	1 space/unit for residential; all others as provided in Section 9.0851	As provided in Section 9.0851
J. Maximum Off-Street Parking Permitted	As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851
K. Transit Design Criteria and Standards Apply (Section 4.1425)	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes
L. Screening & Buffering Required (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>
M. Landscaping (Section 4.1426)	Yes	Yes	Yes	Yes
N. Commercial Uses (Section 4.1427)	Yes	Yes	Yes	Yes
O. Architectural Design Review Guidelines (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:**

1. The maximum front or street-side setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.
2. Any required building must have a habitable floor.
3. Ground floor window standards for commercial buildings on Design Streets (**Section 7.0210**) do not apply to ground floor residential development.
4. For the purposes of screening and buffering a use permitted in the EC-PV shall be consider an office use.
5. The Giese Road EC-PV area is the northern EC-PV area on the north and south sides of Geise Road. The 172nd Ave. EC-PV area is the southern EC-PV area on the east side of 172nd 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 3.0103**.
- 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 institutional 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(J)**.

#### 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 7.0103** and **Section 7.0201** apply to new residential development, and **Section 7.0210(A)** apply to new commercial, mixed-use, and employment development requiring design review approval in these Sub-districts, along with other applicable standards and criteria.
- B. Incidental Drive Through Uses.  
Drive through uses as defined in **Section 3.0103** 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 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** 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 institutional buildings;
  5. Substantial improvement (as defined in **Section 3.0103**) 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 Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design 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 **Article 11**.
- 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 9** – Common Requirements and **Appendix 5.000** – Public Facilities Standards.

## Pleasant Valley Environmentally Sensitive/Restoration Areas

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### 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

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### 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 6** 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**

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#### **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 feet 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 feet by 40 feet 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.

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

USES	ESRA-PV
<b>RENEWABLE ENERGY<sup>1</sup></b>	
Solar Energy Systems	L <sup>2</sup>
Wind Energy Systems	L <sup>3</sup>
Biomass Energy Systems	L/SUR <sup>4</sup>
Geothermal Energy Systems	L <sup>5</sup>
Micro-Hydro Energy Systems	L <sup>6</sup>

Notes

<sup>1</sup> See Section 10.0900 for additional standards that apply.

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

<sup>3</sup> For limitations, see **Section 4.1488** Wind Energy System Standards for Pleasant Valley Districts.  
<sup>4</sup> For limitations, see **Section 4.1489** Biomass Energy System Standards for Pleasant Valley Districts.  
<sup>5</sup> For limitations, see **Section 4.1490** Geothermal Energy System Standards for Pleasant Valley Districts.  
<sup>6</sup> For limitations, see **Section 4.1491** Micro-Hydro Energy System Standards for Pleasant Valley Districts.

## Development Standards

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### 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 and public access easements (subject to **Section 4.1442**), 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 year 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.

**Table 1**

<b>Maximum Disturbance Area Allowed</b>
Maximum Disturbance Area =5,000 sq. ft. <sup>1</sup>

<sup>1</sup> 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 feet 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 feet 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 and Public Access Easements**

The following standards apply to public rights of way and Public Access Easements within the ESRA-PV sub-district, including roads, bridges/stream crossings, trails and paths:

- A. Where the right-of-way or public access easement 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 set back 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 or 2009 Gresham Parks and Recreation, Trails and Natural Areas Master 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.
    - 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.

**Table 4.1445(A) - Tree Replacement**

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
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

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.

**Table 4.1445(B)  
Recommended Tree and Shrub Species for Planting within Riparian Shade Zone**

Site Conditions	Typical Soil Series	Recommended Plant Community	
Floodplain and wetlands	Moag Rafton	Trees	Black cottonwood* Pacific willow
		Shrubs	Red-osier dogwood Snowberry Willow Wild rose
Floodplain and wetlands	Delena Wapato Wollent	Trees	Black cottonwood* Pacific willow Red alder Oregon ash Western redcedar*
		Shrubs	Douglas spiraea Pacific ninebark Red-osier dogwood Snowberry Twinberry Wild rose Willow
Moist Riparian	Aloha Cascade Powell	Trees	Bigleaf maple* Black cottonwood* Grand fir* Red alder Western redcedar*
		Shrubs	Bitter cherry Black hawthorn Hazelnut Indian plum Oregon grape Red elderberry Salal Salmonberry Snowberry Thimbleberry Vine maple
Dry Riparian	Cornelius Dabney Haploxerolls, steep Haplumbrepts, steep Latourell Multnomah Quafeno	Trees	Bigleaf maple* Douglas fir* Oregon white oak Western hemlock*
		Shrubs	Hazelnut Indian plum Oceanspray Oregon grape Salal Snowberry 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**

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#### **4.1448 Development Permit Application Type**

All applications must include the general development permit application items required by **Section 11.0900** 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

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### 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**

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### **General**

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#### **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**

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#### **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.

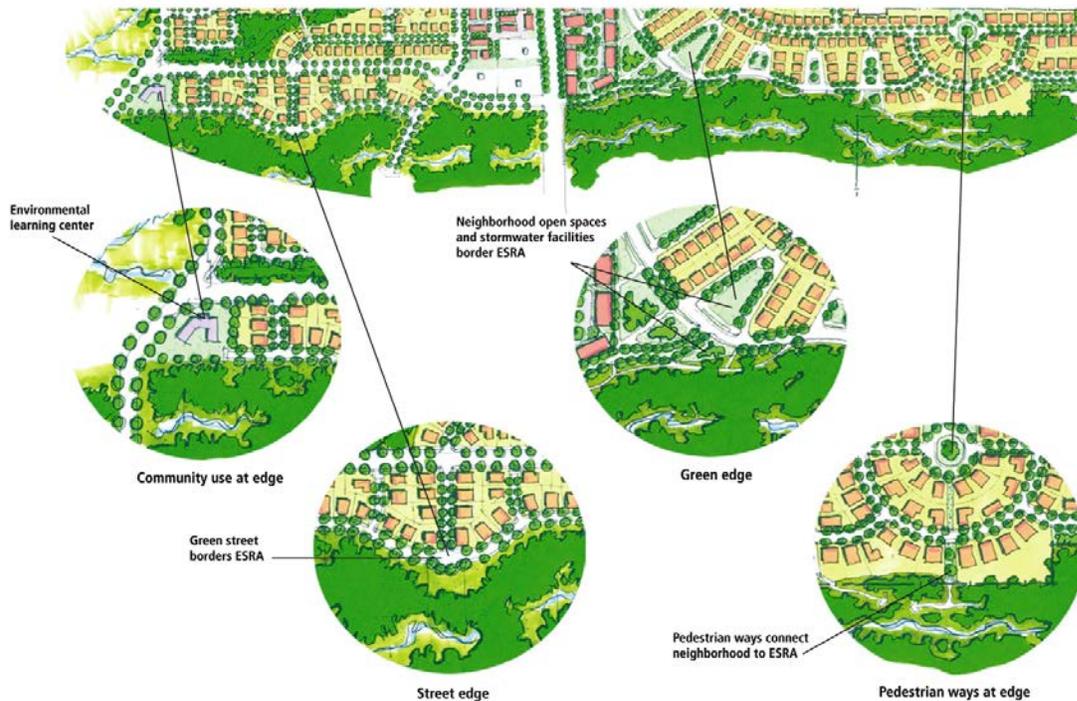
2. Residential areas that are oriented towards and present a friendly face to the ESRA. Such areas may be accessed via an alleyway.
3. Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.
4. When a lot or parcel borders the ESRA a maximum four foot high fence is permitted within 10 feet of the ESRA. This includes vegetative fencing.

**D. Illustrations**

The model designs in **Figure 4.1465** illustrate four ways to create good transitions between neighborhoods and the ESRA.

1. *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.
2. *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.
3. *Pedways* – It will not always be feasible to place a community use, street, or open space along all ESRA. 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**



Model Designs for Neighborhood Transition Design Areas in Pleasant Valley

## **Additional Pleasant Valley Standards**

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### **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 Design Review Approval. Prior to tentative land division or design review 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 Approved 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. Pleasant Valley Tree Mitigation 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 7.0103 and 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

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### General

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#### 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



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 7**, 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.

### **Standards**

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#### **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.** 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), duplexes, live-work units, and elderly housing. 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), duplexes, live-work units, and elderly housing. 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.

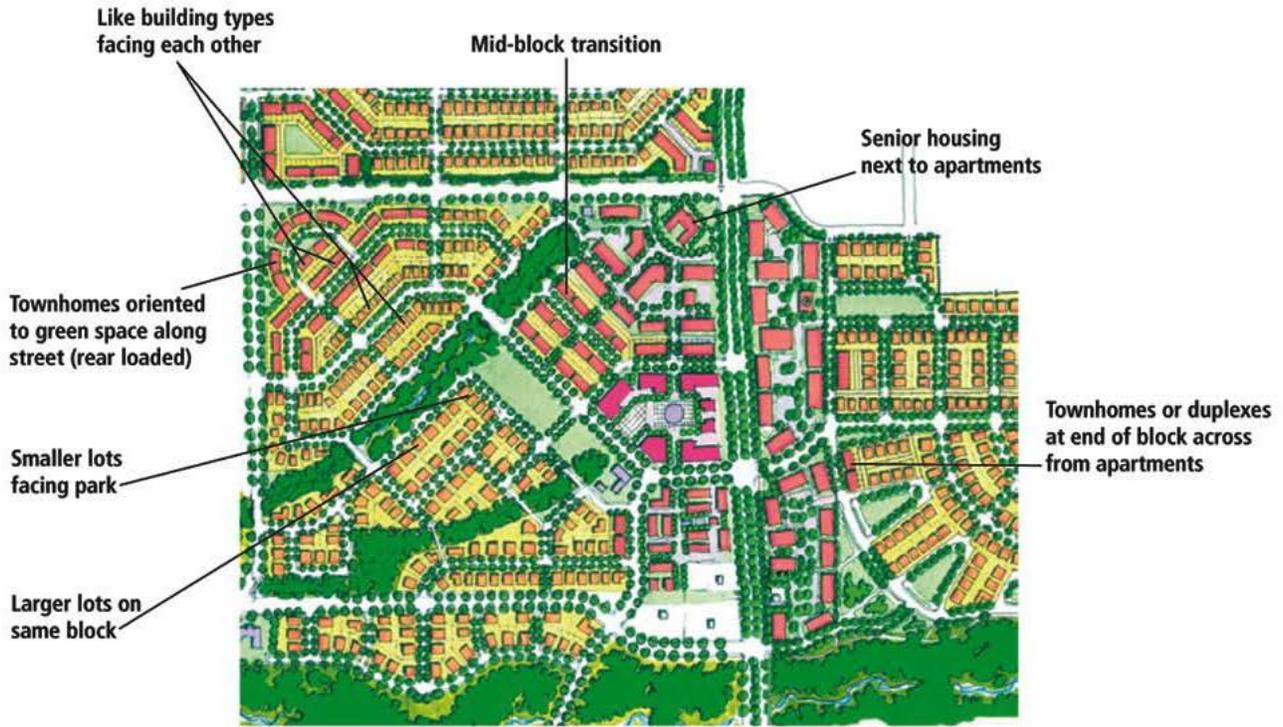
- D.** Except as provided in **Subsection (C)**, each sub-district within a Master Plan shall meet the average minimum and maximum density standards required for the sub-district. However, within any particular area of a Master Plan the actual density may be less than the minimum or more than the maximum sub-district requirements.

#### **4.1477 Density Transition**

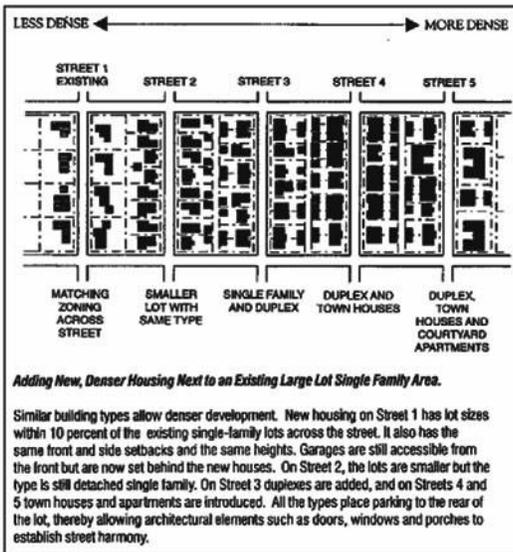
The planned variety of housing types and mix of densities in Pleasant Valley will benefit from carefully planned transitions between the various building types and lot sizes. Transitions of housing types and density shall consider the following guidelines:

- 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



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**

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#### **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 7** 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 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 4.1484**.

#### **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 design review application.

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

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

- A.** Scale.
  - 1.** LDR-PV and ESRA-PV: Small scale solar energy systems are permitted in these districts.

2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review.
- B. Type.**
1. LDR-PV and ESRA-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
  2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.
- C. Height.**
1. LDR-PV and ESRA-PV: The following limitations on maximum height apply to all solar energy systems in these districts:
    - a. Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed.
    - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height.
  2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to solar energy systems in these districts:
    - a. Roof-top, Flat-roof and Integrated.
      - i. For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed.
      - ii. For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.
    - b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height.
- D. Setbacks and Yards.**
1. LDR-PV and ESRA-PV: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts.
  2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Solar energy systems are not allowed in the required front or street-side setbacks.

#### **4.1488 Wind Energy Standards for Pleasant Valley Districts**

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

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

- B. Type.**
  - 1. LDR-PV and ESRA-PV: Roof-top wind energy systems are permitted in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top and ground-mounted wind energy systems are permitted in these districts.
- C. Height.**
  - 1. LDR-PV and ESRA-PV: The following limitations on maximum height apply to all wind energy systems in these districts:
    - a. Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to all wind energy systems in these districts:
    - a. Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum.
    - b. Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review.
- D. Setbacks and Yards.**
  - 1. LDR-PV and ESRA-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts.
  - 2. MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front or street-side yard between the building and the street in these districts.

**4.1489 Biomass Energy Standards for Pleasant Valley Districts**

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

- A. Scale.**
  - 1. LDR-PV and ESRA-PV: Small scale biomass energy systems are permitted in these districts.
  - 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.

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

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

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

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

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

**A. Scale.**

1. LDR-PV and ESRA-PV: Small scale micro-hydro energy systems are permitted in these districts.

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

# SECTION 4.1500

## SPRINGWATER PLAN DISTRICT

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## **General Provisions**

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### **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

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### Purpose and Characteristics

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#### 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

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#### 4.1507 Permitted Uses

Table 4.1507 lists those uses that are permitted in the Springwater Residential Sub-districts.

- P = Permitted use
- L = Use is permitted, but is limited in the extent to which it may be permitted
- NP = Use not permitted
- SUR = Use permitted subject to a Special Use Review

Each of these uses must comply with the land use district standards in **Section 4.1500** and all other applicable requirements of the Community Development Code.

Table 4.1507: Permitted Uses in the Springwater District –Residential

USES	VLDR-SW	LDR-SW	THR-SW <sup>6</sup>
<b>RESIDENTIAL</b>			
Single-Family Detached Dwelling	P	P	L <sup>1</sup>
Duplex	NP	L <sup>2</sup>	NP
Single-Family Attached Dwellings	NP	NP	P
Attached Dwellings on a Single Lot	NP	NP	NP
Elderly Housing	NP	NP	SUR
Manufactured Dwelling Park	NP	NP	NP
Residential Facility	P	P	P
Residential Home	P	P	P

USES	VLDR-SW	LDR-SW	THR-SW <sup>6</sup>
<b>COMMERCIAL</b>			
Auto-Dependent Use	NP	NP	NP
Business and Retail Service and Trade	NP	NP	NP
Clinics	NP	NP	NP
Commercial Parking	NP	SUR	SUR
Daycare Facilities	SUR	SUR	SUR
Live-Work	NP	NP	L <sup>3</sup>
Major Event Entertainment	NP	NP	NP
Mini-Storage Facilities	NP	NP	NP
Outdoor Commercial	NP	NP	NP
<b>INDUSTRIAL</b>			
Construction	NP	NP	NP
Exclusive Heavy Industrial Uses	NP	NP	NP
Industrial Office	NP	NP	NP
Information Services	NP	NP	NP
Manufacturing	NP	NP	NP
Miscellaneous Industrial	NP	NP	NP
Trade Schools	NP	NP	NP
Transportation/Distribution	NP	NP	NP
Warehousing/Storage	NP	NP	NP
Waste Management	NP	NP	NP
Wholesale Trade	NP	NP	NP
<b>INSTITUTIONAL USES</b>			
Civic Uses	L/SUR	SUR	SUR
Community Services	SUR	SUR	SUR
Medical	NP	NP	NP
Parks, Open Spaces, and Trails	SUR	SUR	SUR
Religious Institutions	L/SUR <sup>4</sup>	SUR	SUR
Schools	SUR	SUR	SUR
<b>RENEWABLE ENERGY<sup>8</sup></b>			
Solar Energy Systems	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>
Wind Energy Systems	L <sup>10</sup>	L <sup>10</sup>	L <sup>10</sup>
Biomass Energy Systems	L/SUR <sup>11</sup>	L/SUR <sup>11</sup>	L/SUR <sup>11</sup>
Geothermal Energy Systems	L <sup>12</sup>	L <sup>12</sup>	L <sup>12</sup>
Micro-Hydro Energy Systems	L <sup>13</sup>	L <sup>13</sup>	L <sup>13</sup>
<b>OTHER</b>			
Basic Utilities			
Minor basic utilities	P	P	P
Major basic utilities	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>

USES	VLDR-SW	LDR-SW	THR-SW <sup>6</sup>
Heliports <sup>7</sup>	NP	NP	NP
Wireless Communication Facilities	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P
Marijuana Businesses	NP	NP	NP

**Notes**

<sup>1</sup> See Section 4.1512(C).

<sup>2</sup> See Section 4.1510.

<sup>3</sup> 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>4</sup> Limited to facilities used for religious worship with seating for 300 or fewer persons within the principal place of assembly.

<sup>5</sup> Electrical generating facilities are not permitted.

<sup>6</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).

<sup>7</sup> Permitted as an accessory use to Medical and Civic Uses through the Special Use Review process.

<sup>8</sup> See Section 10.0900 for additional standards that apply.

<sup>9</sup> For limitations, see Section 4.1595 Solar Energy System Standards for Springwater Districts.

<sup>10</sup> For limitations, see Section 4.1596 Wind Energy System Standards for Springwater Districts.

<sup>11</sup> For limitations, see Section 4.1597 Biomass Energy System Standards for Springwater Districts.

<sup>12</sup> For limitations, see Section 4.1598 Geothermal Energy System Standards for Springwater Districts.

<sup>13</sup> For limitations, see Section 4.1599 Micro-Hydro Energy System Standards for Springwater Districts.

## 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.

**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) Note – ESRA district land does not affect this calculation)	10,000	5,000	Attached: 1,800 Detached: 3,000
Minimum Lot Dimensions			
(1) Width at building line (a) Interior lot (b) Corner lot  (2) Depth (a) Interior lot (b) Corner lot	<b>Single Family detached:</b> (1a) 75 feet (1b) 100 feet  (2a) 100 feet (2b) 100 feet	<b>Single Family detached:</b> (1a) 45 feet (1b) 45 feet  (2a) 80 feet (2b) 80 feet	(1a) 20 feet (1b) 25 feet  (2a) 65 feet (2b) 65 feet
Minimum Street Frontage	50 feet Corner lots: 75 feet	35 feet Corner lots: 40 feet	20 feet, but frontage on a common green space (as described in <b>4.1512</b> 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 <b>Section 9.0851</b>	As provided in <b>Section 9.0851</b>	As provided in <b>Section 9.0851</b>
Maximum Off-Street Parking Required	As provided in <b>Section 9.0851</b>	As provided in <b>Section 9.0851</b>	As provided in <b>Section 9.0851</b>
Safe Neighborhood Design Performance Standards Apply ( <b>Section 4.1510</b> )	Yes	Yes	Yes
Clear Vision Area Required ( <b>Section 9.0200</b> )	Yes	Yes	Yes
Small Lot Design Standards Apply ( <b>Section 4.1512</b> )	No	Yes, for attached single family	Yes
Master Plan Requirement ( <b>Section 4.1530</b> )	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
<b>Single Family Detached:</b>										
VLDR-SW	20 feet	6 feet	25 feet	5 feet	NA	20 feet	6 feet	25 feet	20 feet	6 feet
LDR-SW	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side	10 feet	6 feet	20 feet	15 feet	6 feet
THR-SW	6 feet	1 foot	NA	5 feet	6 inches on zero/ 6 feet on other side	6 feet	6 feet	10 feet, permitted only on side frontage greater than 70 feet	NA	1 foot
<b>Single Family Attached:</b>										
LDR-SW	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	NA	6 feet
THR-SW	6 feet	1 foot	NA	5 feet	6 inches on zero/ 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. Visible Dwelling Front. Except for homes on the flag portion of flag lots, the front door shall be oriented towards the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from:
  1. the front door; or
  2. a street-facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area); or
  3. a street-facing, second-story minimum four-foot-by-four-foot window, except a bathroom 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.

- B. Street Pedestrian Connection Options.** Except for homes on the flag portion of flag lots, 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 from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least three feet beyond the edge of the garage door. (See **figure 4.0132(D)(2)(b)**).
- C. Street Surveillance Options.** Except for homes on the flag portion of flag lots, 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 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.

**4.1511 Public Facilities and Supplementary Requirements**

All developments shall also be subject to the applicable requirements of **Article 9 – 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**

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### **Purpose and Characteristics**

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#### **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. 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

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#### 4.1520 Permitted Uses

**Table 4.1520** lists those uses that are permitted in the Springwater Mixed-Use, Employment and Industrial districts.

- P = Permitted use
- L = Use is permitted, but is limited in the extent to which it may be permitted
- NP = Use not permitted
- SUR = Use permitted subject to a Special Use Review

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: Permitted Uses in the Springwater District Mixed-Use, Employment and Industrial**

USES	VC-SW	RTI-SW	IND-SW <sup>17</sup>	NC-SW
<b>RESIDENTIAL</b>				
Single-Family Detached Dwelling	NP	NP	NP	NP
Duplex	NP	NP	NP	NP
Single-Family Attached Dwellings	NP	NP	NP	NP
Attached Dwellings on a Single Lot	L <sup>1</sup>	NP	NP	NP
Elderly Housing	SUR	NP	NP	NP
Manufactured Dwelling Park	NP	NP	NP	NP
Residential Facility	L <sup>1</sup>	NP	NP	NP
Residential Home	NP	NP	NP	NP
<b>COMMERCIAL</b>				
Auto-Dependent Use	NP	NP	NP	L <sup>2</sup>
Business and Retail Service and Trade	L <sup>3</sup>	L <sup>4,5</sup>	L <sup>6</sup>	L <sup>7</sup>
Clinics	L <sup>8</sup>	L <sup>4</sup>	L <sup>6</sup>	NP
Commercial Parking	SUR	NP	NP	SUR
Daycare Facilities	P	SUR	SUR	SUR
Live-Work	P	NP	NP	NP
Major Event Entertainment	L/SUR <sup>9</sup>	SUR	SUR	SUR
Mini-Storage Facilities	NP	NP	NP	NP
Outdoor Commercial	L <sup>10</sup>	NP	NP	NP
<b>INDUSTRIAL</b>				
Construction	NP	NP	P	NP
Exclusive Heavy Industrial Uses	NP	NP	NP	NP
Industrial Office	NP	P	P	NP
Information Services	NP	P	P	NP
Manufacturing	NP	L <sup>18</sup>	L <sup>11</sup>	NP
Miscellaneous Industrial	NP	L <sup>12</sup>	L <sup>12</sup>	NP
Trade Schools	NP	P	P	NP
Transportation/Distribution	NP	L <sup>13</sup>	L <sup>13</sup>	NP
Warehousing/Storage	NP	L <sup>13</sup>	L <sup>13</sup>	NP
Waste Management	NP	SUR	SUR	NP
Wholesale Trade	NP	NP	L <sup>13</sup>	NP
<b>INSTITUTIONAL USES</b>				
Civic Uses	SUR	SUR	SUR	SUR
Community Services	SUR	L/SUR <sup>14</sup>	L/SUR <sup>14</sup>	SUR
Medical	SUR	SUR	NP	SUR
Parks, Open Spaces, and Trails	L/SUR <sup>15</sup>	L/SUR <sup>15</sup>	L/SUR <sup>15</sup>	SUR
Religious Institutions	SUR	L/SUR <sup>16</sup>	L/SUR <sup>16</sup>	SUR
Schools	P/SUR <sup>20</sup>	L/SUR <sup>16</sup>	L/SUR <sup>16</sup>	SUR

USES	VC-SW	RTI-SW	IND-SW <sup>17</sup>	NC-SW
<b>RENEWABLE ENERGY<sup>21</sup></b>				
Solar Energy Systems	L/SUR <sup>22</sup>	P <sup>22</sup>	P <sup>22</sup>	L/SUR <sup>22</sup>
Wind Energy Systems	L/SUR <sup>23</sup>	L/SUR <sup>23</sup>	L/SUR <sup>23</sup>	L/SUR <sup>23</sup>
Biomass Energy Systems	L <sup>24</sup>	L/SUR <sup>24</sup>	L/SUR <sup>24</sup>	L <sup>24</sup>
Geothermal Energy Systems	L/SUR <sup>25</sup>	P <sup>25</sup>	P <sup>25</sup>	L/SUR <sup>25</sup>
Micro-Hydro Energy Systems	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>	L <sup>26</sup>
<b>OTHER</b>				
Basic Utilities				
Minor basic utilities	P	P	P	P
Major basic utilities	SUR <sup>19</sup>	SUR	SUR	SUR
Heliports	SUR	SUR	SUR	NP
Wireless Communications Facilities	SUR	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P	P
Marijuana Businesses	NP	L <sup>27</sup>	L <sup>27</sup>	L <sup>27</sup>

**Notes**

<sup>1</sup> Residential uses permitted only as part of a mixed use building and are not permitted on ground floor.

<sup>2</sup> Limited to gas stations and similar retail uses with a maximum gross floor area of 10,000 square feet.

<sup>3</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, and except for buildings occupied entirely by an office, in which case the maximum building ground floor footprint is 10,000 square feet, except as permitted by an approved master plan.

<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 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>5</sup> Casino hotels are not permitted.

<sup>6</sup> Buildings for Clinics, restaurants, stores, branches, agencies or other outlets for 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>7</sup> Business and Retail Service and Trade are limited to the following:

- Eating and drinking establishments with a maximum gross floor area of 3,500 square feet
- Insurance, real estate, and other similar offices with a maximum gross floor area of 5,000 square feet
- Laundries, dry cleaners, barber salons, and other similar personal services with a maximum gross floor area of 5,000 square feet
- Clothing, drug stores, and similar retail trade uses with a maximum gross floor area of 10,000 square feet
- Grocery store with a maximum gross floor area of 35,000 square feet

<sup>8</sup> The maximum building footprint for any building occupied entirely by a Clinic use or uses shall be 10,000 square feet, except as permitted by an approved master plan.

<sup>9</sup> Theme parks are not permitted.

<sup>10</sup> See **Section 4.1527**.

<sup>11</sup> The following types of Manufacturing are not permitted: animal slaughtering and processing, leather and hide tanning, sawmills and wood preservation, paper manufacturing, petroleum and coal products manufacturing, chemical manufacturing (except pharmaceutical and medicine manufacturing is permitted) cement manufacturing, lime manufacturing, and primary metals manufacturing.

<sup>12</sup> Limited to electrical and precision equipment repair, and commercial/industrial machine repair.

- <sup>13</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>14</sup> The following Community Service Uses are not permitted in the RTI-SW and IND-SW districts: adult or senior centers, drug and alcohol treatment facilities, cemeteries, and mausoleums.
- <sup>15</sup> Golf courses are not permitted in the VC-SW, RTI-SW or IND-SW districts. The following additional Parks, Open Spaces, and Trails are not permitted in the RTI-SW or IND-SW districts: public urban plazas, public neighborhood parks, and public community parks. However, public urban plazas, public neighborhood parks, and public community parks are permitted in the RTI-SW and IND-SW 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 April 2, 2009.
- <sup>16</sup> Religious institutions, elementary schools, middle schools, and high schools are permitted in the RTI-SW and IND-SW 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 April 2, 2009. Elementary schools, middle schools, and high schools are permitted in the RTI-SW 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>17</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.
- <sup>18</sup> Permitted as an accessory use.
- <sup>19</sup> Electrical Generating Facilities are not permitted.
- <sup>20</sup> Schools are permitted without a Special Use Review if they are occupying an existing commercial space. Schools must pursue a Special Use Review if they are proposing new construction.
- <sup>21</sup> See **Section 10.0900** for additional standards that apply.
- <sup>22</sup> For limitations, see **Section 4.1595** Solar Energy System Standards for Springwater Districts.
- <sup>23</sup> For limitations, see **Section 4.1596** Wind Energy System Standards for Springwater Districts.
- <sup>24</sup> For limitations, see **Section 4.1597** Biomass Energy System Standards for Springwater Districts.
- <sup>25</sup> For limitations, see **Section 4.1598** Geothermal Energy System Standards for Springwater Districts.
- <sup>26</sup> For limitations, see **Section 4.1599** Micro-Hydro Energy System Standards for Springwater Districts.
- <sup>27</sup> For limitations, see **GRC 9.63.090**.

## Standards

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### 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>**

	VC-SW	RTI-SW	IND-SW
A. Minimum Lot Size	None	None	None <sup>2</sup>
B. Minimum Avg. Floor Area Ratio (FAR)	.35:1	.40:1	None

**Table 4.1521 Development Standards in Springwater Village Center,  
Research/Technology Industrial and Industrial Sub-districts<sup>1</sup>**

	VC-SW	RTI-SW	IND-SW
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 Required (Section 4.1535)	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:**

1. The development standards for NC-SW shall be identical for those in the NC District, Table 4.0230.
2. 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.
3. The maximum front or street side setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.
4. 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 3.0103**.
- 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 institutional 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 7.0103** apply to two or more units, elderly housing and mixed-use (residential) developments and **Section 7.0201** apply to new single-family attached residential development, and **Section 7.0202** apply to new commercial, mixed-use (commercial), and employment development requiring design review approval in these Sub-districts, along with other applicable standards and criteria.
- C. Incidental Drive Through Uses - Drive through uses as defined in **Section 3.0103** 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)** and **Section 7.0203** regarding 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** 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 institutional buildings;
5. Substantial improvement (as defined in **Section 3.0103**) 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 Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design 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 **Article 11** 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 9** – Common Requirements and **Appendix 5.000** – Public Facilities Standards.

#### **4.1530 Master Plans**

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##### **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

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### General

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#### 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

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#### 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**

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### **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 7.0103 and 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

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## Purpose

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### 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

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### 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 6** 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

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### 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 4.1582**.
- 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.)

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

USES	ESRA-SW
<b>RENEWABLE ENERGY<sup>1</sup></b>	
Solar Energy Systems	L <sup>2</sup>
Wind Energy Systems	L <sup>3</sup>
Biomass Energy Systems	L/SUR <sup>4</sup>
Geothermal Energy Systems	L <sup>5</sup>
Micro-Hydro Energy Systems	L <sup>6</sup>

**Notes**

- <sup>1</sup> See **Section 10.0900** for additional standards that apply.
- <sup>2</sup> For limitations, see **Section 4.1595** Solar Energy System Standards for Springwater Districts.
- <sup>3</sup> For limitations, see **Section 4.1596** Wind Energy System Standards for Springwater Districts.
- <sup>4</sup> For limitations, see **Section 4.1597** Biomass Energy System Standards for Springwater Districts.
- <sup>5</sup> For limitations, see **Section 4.1598** Geothermal Energy System Standards for Springwater Districts.
- <sup>6</sup> For limitations, see **Section 4.1599** Micro-Hydro Energy System Standards for Springwater Districts.

## Development Standards

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### 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 and public access easements (subject to **Section 4.1582**), 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 year 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.

**Table 1**  
**Maximum Disturbance Area**  
**Allowed For Residence**

Maximum Disturbance Area =5,000 sq. ft. <sup>1</sup>
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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.<sup>1</sup> 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 and Public Access Easements**

The following standards apply to public rights of way and public access easements within the ESRA-SW sub-district, including roads, bridges/stream crossings, trails and paths:

- A.** Where the right-of-way or public access easement 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 or 2009 Gresham Parks and Recreation, Trails and Natural Areas Master Plan (or its successor); 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**

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
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.

**Table 4.1585(B)**  
**Recommended Tree and Shrub Species for Planting within Riparian Shade Zone**

Site Conditions	Typical Soil Series	Recommended Plant Community	
Floodplain and wetlands	Moag Rafton	Trees	Black cottonwood* Pacific willow
		Shrubs	Red-osier dogwood Snowberry Willow Wild rose
Floodplain and wetlands	Delena Wapato Wollent	Trees	Black cottonwood* Pacific willow Red alder Oregon ash Western redcedar*
		Shrubs	Douglas spiraea Pacific ninebark Red-osier dogwood Snowberry Twinberry Wild rose Willow
Moist Riparian	Aloha Cascade Powell	Trees	Bigleaf maple* Black cottonwood* Grand fir* Red alder Western redcedar*
		Shrubs	Bitter cherry Black hawthorn Hazelnut Indian plum Oregon grape Red elderberry Salal Salmonberry Snowberry Thimbleberry Vine maple

**Table 4.1585(B)  
Recommended Tree and Shrub Species for Planting within Riparian Shade Zone**

Site Conditions	Typical Soil Series	Recommended Plant Community		
Dry Riparian	Cornelius	Trees	Bigleaf maple*	Oregon white oak
	Dabney		Douglas fir*	Western hemlock*
	Haploxerolls, steep	Shrubs	Hazelnut	Salal
	Haplumbrepts, steep		Indian plum	Snowberry
	Latourell		Oceanspray	Vine maple
	Multnomah		Oregon grape	
	Quafeno			

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

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### 4.1588 Development Permit Application Type

All applications must include the general development permit application items required by **Section 11.0900** 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 process 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**

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#### **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.

#### **4.1595 Solar Energy Standards for Springwater Districts**

Solar energy systems are limited in Springwater districts as follows:

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

3. RTI-SW and IND-SW: Small, medium and large scale solar energy systems are permitted in these districts.

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

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

#### 4.1596 Wind Energy Standards for Springwater Districts

Wind energy systems are limited in Springwater districts as follows:

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

**D. Setbacks and Yards.**

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

**4.1597 Biomass Energy Standards for Springwater Districts**

Biomass energy systems are limited in Springwater districts as follows:

**A. Scale.**

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

**B. Type.**

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

**C. Height.**

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

**D. Setbacks and Yards.**

1. VLDR-SW, LDR-SW, THR-SW and ESRA-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in 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 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.

#### 4.1598 Geothermal Energy Standards for Springwater Districts

Geothermal energy systems are limited in Springwater districts as follows:

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

- 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 would apply.

**D. Setbacks and Yards.**

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