

5/12/16

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

CB XX-XX

ORDINANCE NO.

AN ORDINANCE \_\_\_\_\_

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

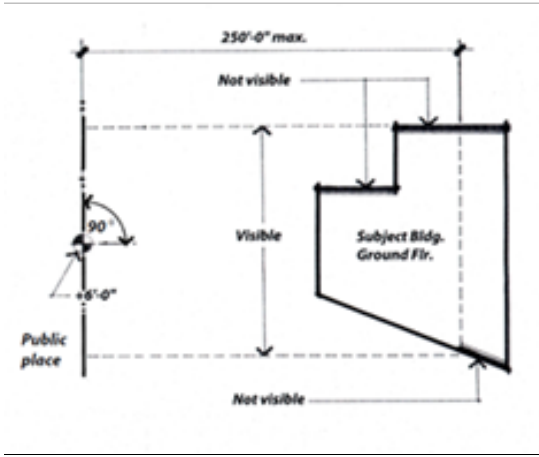
Section 1. Section 3.0100, Development Code, is amended as follows:


Proposed Amendment	Commentary
<p>***  <b>Section 3.0103 General Terms and Definitions</b>  ***  <u><b>Agriculture.</b> A commercial enterprise that consists of farming, including plowing, cropping, seeding, cultivating or harvesting for the production of food or fiber products; the grazing and raising of livestock; aquaculture, sod production, orchards, nurseries, and the cultivation of products. Home Occupations are not included in this definition.</u>  ***</p> <p><b>Antenna.</b> A structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites or other <del>services</del> <u>transmission facilities</u>.</p> <p><b>Antenna Support Structure.</b> A tower, pole, mast, buildings <u>supporting existing Wireless Communication Facilities</u>, or other structure that is intended to support an antenna.</p> <p>***</p> <p><b>Co-locate.</b> The location of two or more antennas <del>operated by separate providers</del> <u>operated by separate providers</u> on the same support structure.</p> <p>***</p>	<p><i>New definition. Agriculture is not allowed within the city, but it must be defined in order to describe what is not allowed. Beekeeping, chicken egg production and the growing and sale of plants, fruits and vegetables as outlined in Section 10.0500 is not considered "agriculture."</i></p> <p><i>Clarification.</i></p> <p><i>One of the primary uses of a building is not typically to serve as an Antenna Support Structure unless the Wireless Communication Facility already exists.</i></p> <p><i>Co-locates include two or more antennas regardless of provider status.</i></p> <p><i>Verizon has commented</i></p>

Proposed Amendment	Commentary
<p><b>Driveway (Drive).</b><del>An area that provides access for vehicles to a site.</del> <u>A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.</u></p> <p>***</p> <p><b>Easement, General Utility.</b> A specific described area of land that is dedicated and recorded for public utility uses including water, sewer, stormwater, electricity, natural gas, <del>telephone lines,</del> <u>communications</u> and <u>for maintenance access to such uses.</u></p> <p>***</p> <p><b>Façade.</b> All exterior walls or faces of a building <del>facing a public way or space.</del></p> <ul style="list-style-type: none"> <li>• Base. The lower portion of the building façade adjacent to the ground. This may include windows, texture, projections, awnings, canopies, ornamental detailing, etc. to enhance the pedestrian realm.</li> <li>• Top. The upper portion of a building façade. This may include cornice detailing, roofs, dormers, and gable ends, etc.</li> </ul>	<p><i>that this definition should read:</i></p> <p><i>“Co-locate: The mounting or installation of antenna and/or associated equipment on an existing antenna support structure.”</i></p> <p><i>This change will prevent the parking of vehicles so that the front façade is blocked such that visibility of the sidewalk and street is impeded and the aesthetics of the area is compromised. The standards are found in Section 9.0870.</i></p> <p><i>GRC 8.25.050(3) will also be changed to reference that no vehicle may be parked in the front yard exclusive of the <u>driveway</u> (it currently reads that parking is allowed on the “parking surface”).</i></p> <p><i>Clarification.</i></p> <p><i>Clarification that ALL façades are to be considered in the design of a building. On occasion, staff has received arguments that only street facing façades or portions</i></p>

<b>Proposed Amendment</b>	<b>Commentary</b>
<ul style="list-style-type: none"> <li>Prominent Façade Sections. Select areas of buildings which shall receive special design attention due to their location. These include building corners that front intersections of public streets or façade sections facing an intersection of two arterials that are a higher classification than minor arterial and façade sections that terminate the view down a right - of - way or primary internal drive.</li> </ul> <p>***</p> <p><b><u>Marijuana Business.</u></b> A medical marijuana business, a recreational marijuana business, a marijuana testing laboratory or a marijuana research facility.</p> <p><b><u>Micro/mini cell.</u></b> A Wireless Communication Facility located on private property characterized by small antennas that are located on utility poles, lights or buildings that are designed to provide enhanced communication to a geographically limited area and are limited to a maximum of three cubic feet in size.</p> <p>***</p>	<p><i>of facades should be considered.</i></p> <p><i>Marijuana businesses will be listed in the Permitted Uses Tables. This is the same definition used in the GRC.</i></p> <p><i>New definition. Currently, micro/mini cells are cylindrical in shape, but that may change as technology advances, so there is no reference to physical dimensions in this definition.</i></p> <p><i>Verizon has commented that this definition should read as follows:</i></p> <p><i>“Small Cell Facility. A compact Wireless Communications Facility containing its own transceiver equipment and function like cells in a mobile network, but it provides a smaller coverage area than traditional macrocells. A Small Cell Facility will meet the size limitations defined herein. Each small cell antenna shall be no more than three (3) cubic feet in volume. Each Small Cell Facility will include a separate equipment enclosure or cabinet. A Small Cell Facility may be part of a Small Cell Network, which</i></p>

Proposed Amendment	Commentary
<p><b>Public Place.</b> <u>A public park, LRT station, right-of-way or public easement that accommodates pedestrians.</u></p> <p>***</p> <p><b>Radio Frequency (RF) Facility.</b> A land use that generates, detects or processes RF energy for purposes of wireless telecommunication via antennas by means of transceivers, transmitters and/or receivers, and, including antennas; feedlines; structures or towers to support antennas, feedlines, and other receiving and/or transmitting devices; transmitters, receivers, and transceivers; accessory equipment, development and structures; and the land on which they all are situated.</p> <p>***</p> <p><b>Satellite Receive-only Antenna.</b> <u>An antenna which receives television or radio signals from satellites, ground based transmitting broadcast towers or other facilities.</u></p> <p>***</p> <p><b>Remodel.</b> <u>Changes to an existing building that result in the demolition of less than 50% of its exterior walls, no additional floors and no additions that result in new street facing façades. Subsequent applications for remodels may be applied for a minimum of one year after the issuance of the Certificate of Occupancy for the prior remodel.</u></p> <p>***</p> <p><b>Street Tree.</b> <u>A tree within the public right of way along a street between the curb and sidewalk. A tree located in the public right-of-way between the curb, or edge of roadway, and the property line. Trees located within a public right-of-way where no roadway exists are not considered street trees.</u></p> <p>***</p>	<p><i>is a collection of functionally related Small Cell Facilities designed to deliver wireless communication service and may be located on one or more towers, poles, buildings or other structures within and/or outside of the public right-of-way.”</i></p> <p><i>This new term is used in the definition of “visible” and also needs to be defined.</i></p> <p><i>Change reflects all types of communication.</i></p> <p><i>Verizon has asked if WiFi facilities should be excluded.</i></p> <p><i>Updated definition to reflect current technology.</i></p> <p><i>This new definition will curb the possibility that some structures could be partially demolished and rebuilt without meeting Code standards.</i></p> <p><i>This revision takes into account various types of street improvement scenarios.</i></p>

Proposed Amendment	Commentary
<p><b>Utility Facilities.</b> <del>See <i>Habitat Conservation Area Definitions, Section 3.0120.</i></del> <u>Buildings, structures or any constructed portion of a system which provides for the production or transmission of heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television, communication and data. Utility facilities do not include stormwater pre-treatment facilities.</u></p> <p>***</p> <p><b>Visible.</b> <u>A structure is visible if its ground floor façade can be seen when viewed from 6 feet above grade, at a 90 degree angle from, and within 250 feet of the abutting property line of the public place.</u></p>  <p>***</p>	<p><i>Moving definition from HCA definitions to its proper location and grammatical correction.</i></p> <p><i>New definition and graphic that will assist in determining the implementation of Design Standards.</i></p>
<p><b>Wireless Communication Facility Tower or WCF Tower.</b> A monopole or other <del>unattached</del> <u>structure not attached to a building that is erected to support wireless communication facility antennas and connecting appurtenances.</u></p> <p>***</p>	<p><i>Clarification.</i></p>
<p><b>Section 3.0120 Habitat Conservation Area (HCA) Related Terms and Definitions</b></p> <p>***</p>	
<p><del><b>Utility Facilities.</b> Buildings, structures or any constructed portion of a system which provides for the production or transmission of heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television, communication and data. Utility facilities do not include stormwater pre-treatment facilities.</del></p> <p>***</p>	<p><i>Moved to General Terms and Definitions.</i></p>
<p><b>3.0150 Tree Related Terms and Definitions</b></p> <p>***</p>	
<p><b>Tree Topping.</b> The practice of cutting the dominant central stem or the most ascending branches leaving stubs or lateral branches that are too small to assume the role of a terminal leader. <u>Generally, c Cutting back the central stem or any ascending branch dominant or most ascending stem to a diameter exceeding 15 percent of the tree's diameter at breast</u></p>	<p><i>Clearer definition; graphic displays a tree that has been properly pruned and one that has been topped.</i></p>

Proposed Amendment	Commentary
<p>height (DBH), or as determined by a Certified Arborist, will be considered topping.</p> 	<p><b>NOTE:</b> This graphic will be revised to be clearer.</p>

**Section 2.** Section 3.0200, Development Code, is amended as follows:

Proposed Amendment	Commentary
<p>***  <b>3.0231 Auto-Dependent Use</b>  ***  C. Accessory Uses. Vacuum islands, offices, <u>receive only antennas</u>.  <b>3.0232 Business and Retail Services and Trade</b>  ***  C. Accessory Uses. Offices, storage of goods and equipment, manufacture and repackaging of goods for on-site sale (i.e. for a bakery or brewpub), fleet parking, and amenities for employees of the building such as a small health club facility and cafeteria, <u>receive-only antennas</u>.  ***  <b>3.0233 Clinics</b>  ***  C. Accessory Uses. Medical laboratories, <u>receive-only antennas</u>.  ***  <b>3.0324 Commercial Parking</b>  ***  C. Accessory Uses. Attendant kiosk, <u>receive-only antennas</u>.  ***  <b>3.0235 Daycare Facilities</b>  ***  C. Accessory Uses. Indoor and outdoor activity areas, offices, cafeteria and cooking facilities to serve the daycare attendees and staff, <u>receive-only antennas</u>.  ***</p>	<p><i>Receive only antennas are referenced as accessory to residential uses, but they need to be included as accessory to commercial, institutional and industrial districts.</i></p>

Proposed Amendment	Commentary
<p><b>3.0237 Major Event Entertainment</b> *** C. Accessory Uses. Lodging, restaurants, bars, concessions, spectator medical treatment, <del>and</del>-maintenance facilities, <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0238 Mini-Storage Facilities</b> *** C. Accessory Uses. Security and leasing offices, <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0230 Outdoor Commercial</b> *** C. Accessory Uses. Offices, <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0250 Industrial Classifications</b> <b>3.0251 Construction</b> *** C. Accessory Uses. On-site material storage and incidental retail; <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0352 Exclusive Heavy Industrial</b> *** C. Accessory Uses. Sorting, storage and transfer facilities, <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0253 Industrial Office</b> *** C. Accessory Uses. Equipment storage and amenities for employees of the building such as a small health club facility and cafeteria; <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0254 Information Services</b> *** C. Accessory Uses. Amenities for employees of the building such as a small health club and cafeteria, <u>receive-only antennas</u>.</p> <p>***</p> <p><b>3.0255 Manufacturing</b> *** C. Accessory Uses. Offices, warehouses, storage yards, rail spur lines, docks, repair facilities, fleet parking, and amenities for employees of the building such as a small health club facility or cafeteria, <u>receive-only antennas</u>.</p> <p>***</p>	

Proposed Amendment	Commentary
<p><b>3.0256 Miscellaneous Industrial</b> *** C. Accessory Uses. Offices, warehouses, fleet parking, storage yards, and amenities for employees of the building such as a small health club or cafeteria, <u>receive-only antennas</u>. ***</p> <p><b>3.0257 Trade Schools</b> *** C. Offices, food service, laboratories, meeting areas, maintenance facilities, and incidental retail trade (i.e. bookstore), <u>receive-only antennas</u>. ***</p> <p><b>3.0258 Transportation/Distribution</b> *** C. Accessory Uses. Loading docks, temporary outdoor storage, fleet parking, will call window, offices, and maintenance areas,; <u>receive-only antennas</u>. ***</p> <p><b>3.0259 Warehousing/Storage</b> *** C. Accessory Uses. Offices and maintenance areas, recycling drop box, <u>receive-only antennas</u>. ***</p> <p><b>3.0260 Waste Management</b> *** C. Accessory Uses. Fleet parking and maintenance, energy generation through recovery, offices, and materials recycling; <u>receive-only antennas</u>. ***</p> <p><b>3.0261 Wholesale Trade</b> *** C. Accessory Uses. Offices, product repair, warehouses, minor fabrication services, and repackaging of goods, <u>receive-only antennas</u>. ***</p> <p><b>3.0271. Civic Uses</b> *** C. Accessory Uses. Offices, meeting areas, fleet parking, community gardens, and amenities for employees of the building such as a small health club facility and cafeteria, <u>receive only antennas</u>. ***</p>	



<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>3.0272 Community Services</b> *** C. Accessory Uses. Offices, meeting areas, food preparation area, health and therapy areas, daycare, community gardens, and athletic facilities, <u>receive-only antennas</u>. ***</p> <p><b>3.0273. Medical</b> *** C. Accessory Uses. Administrative offices, food service, medical office buildings, clinics, laboratories, teaching facilities, conference facilities, incidental retail trade, maintenance facilities, community gardens, and amenities for employees of the building such as a small health club facility, <u>receive-only antennas</u>. Accessory uses subject to a Special Use Review include Heliports. ***</p> <p><b>3.0274 Parks, Open Spaces and Trails</b> *** C. Accessory Uses. Club houses, maintenance facilities, concessions, information kiosks, shelters, restrooms, community gardens, and picnic tables, <u>receive-only antennas</u>. ***</p> <p><b>3.0275 Religious Institutions</b> *** C. Accessory Uses. Sunday school facilities, daycare facilities to be used during service hours only, retail limited to institutional functions, community gardens, and offices, <u>receive-only antennas</u>. ***</p> <p><b>3.0276 Schools</b> *** C. Accessory Uses. Daycare, cafeterias, recreational and sport facilities, athletic fields, auditoriums, offices, student housing, laboratories, meeting areas, maintenance facilities, portable classrooms, community gardens, and support commercial (bookstore, school supplies), <u>receive-only antennas</u>. Schools may provide some programming in trades. ***</p> <p><b>3.0280 Renewable Energy</b> <b>3.0281 Solar Energy Systems</b> *** C. Accessory Uses. Electrical cabinet containing wires, electrical inverters, batteries, water storage tanks, water heaters, motors, and transmission equipment, <u>receive-only antennas</u>. ***</p>	

Proposed Amendment	Commentary
<p><b>3.0282. Wind Energy Systems</b>  ***  C. Accessory Uses. Electrical cabinet or equipment shelters containing wires, motors, and transmission equipment and monopoles, <u>receive-only antennas</u>.  ***</p> <p><b>3.0283. Biomass Energy Systems</b>  ***  C. Accessory Uses. Electrical cabinets, motors, and transmission equipment, <u>receive - only antennas</u>.  ***</p> <p><b>3.0284. Geothermal Energy Systems</b>  ***  C. Accessory Uses. Electrical cabinets, motors, and transmission equipment, <u>receive-only antennas</u>.  ***</p> <p><b>3.0285 Micro-Hydro Energy Systems</b>  ***  B. Accessory Uses. In-pipe water turbines, <u>receive-only antennas</u>.  ***</p> <p><b>3.0291 Basic Utilities</b>  ***  C. Accessory Uses. Control, monitoring, data or transmission equipment, and emergency generators, <u>receive-only antennas</u>.  ***</p> <p><b>3.0292 Heliport Facilities</b>  ***  C. Accessory Uses. Peripheral areas, hangers, parking pads, passenger terminals, refueling facilities, and helicopter repair and service areas, <u>receive-only antennas</u>.  ***</p> <p><b>3.0293 Wireless Communication Facilities</b>  ***  B. Example Uses. <u>New or existing Wireless Communication Facility towers, including support structures; co-location of wireless communication facilities or radio and television towers that do not meet the requirements of Section 10.0601 and Section 10.0602 or Section 10.1010 and Section 10.1011.</u></p>	<p><i>Refinement that includes references to exceptions. Clarification that radio and TV towers are WCFs. Citations in definition refer to WCF Co-Location Standards and Private</i></p>

Proposed Amendment	Commentary
<p>C. Accessory Uses. Antennas, cabinets, other enclosed structures containing electronic equipment, cables, wires, conduits, <u>back-up power supply</u>, or other transmission and reception devices.</p> <p>D. Exceptions.</p> <p><u>1. Wireless Communication Facilities that meet the requirements of Section 10.0601 and Section 10.0602 or Section 10.1010 and Section 10.1011.</u></p>	<p><i>Communication Facilities (Receive-Only Antennas and Amateur Radio and Citizen Band Antennas).</i></p> <p><i>Verizon has requested that Small Cell Facilities be included here.</i></p> <p><i>Additional accessory use noted.</i></p> <p><i>Exceptions are outlined. Citations in definition refer to WCF Co-Location Standards and Private Communication Facilities (Receive-Only Antennas and Amateur Radio and Citizen Band Antennas).</i></p>

**Section 3. Section 4.0102, Development Code, is amended as follows:**

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*Commentary: **NOTE:** This commentary is meant to explain the changes to each of the Permitted Use Tables found within Article 4 of the Gresham Community Development Code (Sections 4.0100 – 4.1500).*

***GRC Article 9.63** regulates Marijuana Businesses, registration of such businesses, standards of operation, locations and required distances from select uses, inspections and enforcement. The Development Code houses Permitted Uses Tables that are used to determine whether certain land uses are allowed, limited or prohibited in the various land use districts.*

*The changes addressed in the Permitted Uses Tables below will reflect the land use districts in which Marijuana Businesses are already housed within the GRC. All changes to the Permitted Uses Tables are being grouped together for ease of explanation.*

***NOTE: Verizon** has recommended that Wireless Communication Facilities should not be subject to Special Use Review in the Industrial Land Use Districts in order to promote their location in those districts. The City is not pursuing this change at this point in time.*

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Table 4.0120: Permitted Uses in the Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR
***							
<b>OTHER</b>							
Basic Utilities							
Minor basic utilities	P	P	P	P	P	P	P
Major basic utilities	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>	L/SUR <sup>5</sup>
Heliports <sup>6</sup>	NP	NP	NP	NP	NP	NP	NP
Wireless Communications Facilities	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P	P	P	P	P
<u>Marijuana Businesses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Notes**

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**Section 4. Section 4.0220, Development Code, is amended as follows:**

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Table 4.0220: Permitted Uses in the Commercial Land Use Districts

USES	NC
***	
<b>OTHER</b>	
Basic Utilities	
Minor basic utilities	P
Major basic utilities	SUR
Heliports <sup>4</sup>	NP
Wireless Communication Facilities	SUR
Temporary, Intermittent & Interim Uses	P
<u>Marijuana Businesses</u>	<u>L</u> <sup>11</sup>

**Notes**

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<sup>11</sup> For limitations, see **GRC 9.63.090.**

**Section 5. Section 4.0320, Development Code, is amended as follows:**

**Table 4.0320: Permitted Uses in the Industrial Land Use Districts**

USES	HI	GI
***		
<b>OTHER</b>		
Basic Utilities		
Minor basic utilities	P	P
Major basic utilities	SUR	SUR
Heliports	SUR	SUR
Wireless Communication Facilities	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P
<u>Marijuana Businesses</u>	<u>L<sup>14</sup></u>	<u>L<sup>14</sup></u>

Notes:

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<sup>14</sup> For limitations, see **GRC 9.63.090**.

**Section 6. Section 4.0420, Development Code, is amended as follows:**

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**Table 4.0420: Permitted Uses in the Corridor Land Use Districts**

USES	RTC	SC	SC-RJ	CMF	CMU	CC	MC
***							
<b>OTHER</b>							
Basic Utilities							
Minor basic utilities	P	P	P	P	P	P	P
Major basic utilities	SUR	SUR	SUR	L/SUR <sup>16</sup>	SUR	SUR	SUR
Heliports <sup>17</sup>	SUR	NP	NP	NP	NP	SUR	NP
Wireless Communication Facilities	SUR	SUR	SUR	SUR	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P	P	P	P	P
<u>Marijuana Businesses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>L<sup>25</sup></u>	<u>L<sup>25</sup></u>

**Table 4.0420 Notes**

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<sup>25</sup> For limitations, see **GRC 9.63.090**.

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**Section 7. Section 4.1120, Development Code, is amended as follows:**

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**Table 4.1120: Permitted Uses in the Downtown Plan District**

USES	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL
***							
<b>OTHER</b>							
***	P	P	P	P	P	P	P
Temporary, Intermittent & Interim Uses							
<u>Marijuana Businesses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Table 4.1120 Notes**

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**Section 8. Section 4.1220, Development Code, is amended as follows:**  
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**Table 4.1220: Permitted Uses in the Civic Neighborhood Plan District**

USES	TDM-C	TDH-C	HDR-C	MDR-C
***				
<b>OTHER</b>				
Basic Utilities				
Minor basic utilities	P	P	P	P
Major basic utilities	SUR	SUR	L/SUR <sup>10</sup>	L/SUR <sup>10</sup>
Heliports	SUR	SUR	SUR	SUR
Wireless Communication Facilities	SUR	SUR	SUR	SUR
Temporary, Intermittent & Interim Uses	P	P	P	P
<u>Marijuana Businesses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Table 4.1220 Notes**  
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**Section 9. Section 4.1400, Development Code, is amended as follows:**  
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**Table 4.1407: Permitted Uses in the Pleasant Valley District – Residential**

USES	LDR-PV	MDR-PV	HDR-PV
***			
<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
<u>Marijuana Businesses</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Table 4.1407 Notes**  
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**Table 4.1420: Permitted Uses in the Pleasant Valley District Mixed Use and Employment**

USES	TC-PV	NC-PV	MUE-PV	EC-PV
***				
<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
<u>Marijuana Businesses</u>	<u>NP</u>	<u>L</u> <sup>23</sup>	<u>NP</u>	<u>L</u> <sup>23</sup>

**Table 4.1420 Notes**  
<sup>23</sup> For limitations, see **GRC 9.63.090**.  
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**Section 10. Section 4.1500, Development Code, is amended as follows:**

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**Table 4.1507: Permitted Uses in the Springwater District –Residential**

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

**Notes**

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**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>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
<u>Marijuana Businesses</u>	<u>NP</u>	<u>L<sup>27</sup></u>	<u>L<sup>27</sup></u>	<u>L<sup>27</sup></u>

**Notes**

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<sup>27</sup> For limitations, see **GRC 9.63.090**.

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**Section 11. Section 4.0150, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p><b>4.0150</b> Poultry, <del>and</del> Livestock <u>and Beekeeping</u></p> <p>***</p> <p>See also the Gresham Revised Code <b>Article 7.17</b> for the keeping of chickens <u>and Gresham Revised Code Article 7.18</u> for <u>beekeeping on lots containing single family detached homes</u>.</p> <p>***</p>	<p><i>Per the GRC, beekeeping is allowed as an accessory use to single family detached dwellings in which the beekeeper resides. A reference is provided here for clarity.</i></p>

**Section 12. Section 4.1242, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>4.1212 Architectural Design Review Guidelines</b> ***</p> <p><b>G. 11.</b> All roof and wall-mounted mechanical, electrical, communications, and service equipment, including <del>satellite dishes</del> <u>receive-only antennas greater than one meter in diameter</u> and vent pipes, shall be removed or screened from public view by parapets, walls, fences, dense evergreen foliage, or by other suitable means. ***</p>	<p><i>The small receive only antennas currently used should not warrant the need for screening.</i></p>

**Section 13. Section 5.0415, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>Section 5.0415</b> Consistency and Relationship with Other Regulations ***</p> <p><b>E.</b> Regulated Tree, <del>Significant Tree, and Required Tree</del> removals within HCA areas shall meet the applicable removal and tree protection standards of <b>Section 9.1000</b>. All mitigation and replacement requirements shall comply with applicable provisions of the HCA <b>Section 5.0400</b>. Tree removal activities that include disturbance or alteration of undeveloped HCA area exceeding 200 square feet shall be subject to full Type II or Type III provisions of the HCA code as outlined in <b>Section 5.0400</b>. HCA areas disturbed during tree removal activities shall be restored to their original condition when the tree removal is complete. ***</p>	<p><i>Requiring mitigation under HCA standards when Significant and Required trees are removed would result in tree overcrowding and tree failure.</i></p>

**Section 14. Section 6.0321, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p>***</p> <p><b>Table 6.0321 Standards Allowed For PD Residential Units Permitted in VLDR-SW, LDR-5, LDR-7, TLDR and TR</b> ***</p> <p><sup>5</sup> It shall be demonstrated that general <del>utilities</del> <u>utility facilities</u> such as <del>electric and telephone lines</del> can be accommodated and, if necessary, <u>general</u> utility easements shall be provided. ***</p>	<p><i>Clearer and updated language.</i></p>



**Section 15. Section 7.0003, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p><b>7.0002. General</b> ***</p> <p><b><u>D.8. Structures under 200 square feet not visible from a public place.</u></b> ***</p> <p><b>7.0003. Applications</b> ***</p> <p>A. Design Review A. Design Review A is a Type I review reviewed as part of the building permit review, <u>except in the case of structures described in Section 7.0003.A.4. where no building permit is required.</u> Design Review A may apply when the primary use is not proposed to change. The Design Review may include one of the following: ***</p> <p><b><u>7.0003.A.4. Structures under 200 square feet that are visible from a public place and using all clear and objective</u></b></p> <p><b><u>7.0003.A.5. Changes to individual façades of no more than one floor and no more than 160 feet in width that propose to use all clear and objective standards.</u></b> ***</p> <p><b>7.0003.C. Design Review C.</b> Design Review C is a Type II review, but is not subject to a pre-application conference, <u>with the exception of projects described in Section 7.0003.C.2, Section 7.0003.C.10 and Section 7.0003.C.11 that are subject to a pre-application conference but exempted from Neighborhood Meeting requirements of Section 11.0800.</u> Design Review C may apply when there is: no increase in residential density that requires an increase in building area; no new buildings; or the development proposal is not in a Design District unless otherwise specified below. The Design Review may include one of the following:</p>	<p><i>Non-residential structures of under 200 square feet do not require a building permit. Such small structures that cannot be seen from a public place do not have to adhere to any design standards or processes.</i></p> <p><i>Exceptions are noted.</i></p> <p><i>Such small non-residential structures that can be seen from a public place and propose the use of all clear and objective standards can be reviewed under the Type I DR-A process.</i></p> <p><i>This change simplifies the process for smaller façade upgrades when all clear and objective standards are met.</i></p> <p><i>DR-C reviews subject to Design Review standards will require a pre-app, but no Early Neighborhood meeting.</i></p>

Proposed Amendment	Commentary
<p>1. A change to the primary use. A change in use from an allowed commercial to a use subject to a Special Use Review, and the change back to an allowed commercial use, shall not be considered a change to the primary use for purposes of this section;</p> <p>2. Duplexes in the <u>Downtown Plan District</u>, <del>all land use and design districts except LDR 5, LDR 7, TR, TLDR, LDR-PV or LDR-SW;</del></p> <p>3. A change to public facility requirements;</p> <p>4. A change to buffers, including an alternate buffer;</p> <p>5. A new driveway access;</p> <p>6. A change in landscaping requirements;</p> <p>7. An expansion to an existing parking lot;</p> <p>8. A new parking lot;</p> <p>9. New Outdoor Area greater than the thresholds in <b>Sections 7.0003(A) and (B)</b>;</p> <p>***</p> <p><b>Section 7.0003.C. 10.</b> Projects in a Design District that exceed thresholds in Section 7.0003(A) and involve:</p> <p>a. The applicant seeking exclusively clear-and-objective (standards) review; and</p> <p>b. Addition of less than 50 feet of new building frontage along a street; <del>and or</del></p> <p>c. Exterior façade updates <u>that exceed one story or 160 feet in length</u>, <del>that changes less than 50 percent of the façade area;</del> or</p> <p>***</p> <p><b>Section 7.0003.C.11</b> Projects in a Design District that involve:</p> <p>a. The applicant seeking discretionary review of one to three standards; and</p> <p>b. Addition of less than 50 feet of new building frontage along a street; <del>and or</del></p> <p>c. Exterior façade updates <u>that changes less than 50 percent of the façade area;</u> or</p> <p>***</p> <p>e. <u>Structures less than 200 square feet in size that are visible from a public place.</u></p> <p>***</p> <p><b>Section 7.0003.D.</b> Design Review D. Design Review D is a Type II review and is subject to a pre-application conference. Design Review D is a review by the Manager. The following are Design Review D, when they are greater than the thresholds in <b>7.0003(A)-(C)</b>, <u>proposing the use of no more than three discretionary standards</u> and not subject to Design Review E.</p> <p>***</p>	<p><i>Clarification that only duplexes in the downtown require design review.</i></p> <p><i>Proposes a reasonable level of review for façade changes using no more than three discretionary standards.</i></p> <p><i>Proposes a reasonable level of review for façade changes using no more than three discretionary standards.</i></p> <p><i>Smaller non-residential structures not visible from a public place using some discretionary standards warrants a mid-level review.</i></p> <p><i>This change will allow DR-D applications to use no more than three discretionary standards. This will allow more projects to be reviewed at the staff level.</i></p>

Proposed Amendment	Commentary
<p><b>Section 7.0003.E. Design Review E.</b> Design Review E is a Type III review and is subject to a pre-application conference. Design Review E is a review and decision by the Design Commission for applications within a Design District where clear and objective standards and discretionary guidelines have been established and that meet the following thresholds:</p> <ol style="list-style-type: none"> <li>1. Developments that include residential developments with five (5) or more <u>additional</u> units if the proposal is adjacent to LDR-5, LDR-7, TR, TLDR, DRL-1, or DRL-2, LDR-PV and LDR-SW districts or within TLDR, DRL-1 or DRL-2.</li> <li>2. Developments that include ten (10) or more <u>additional</u> residential units if the proposal is adjacent to land use districts not specified in (1) above.</li> </ol> <p>***</p> <ol style="list-style-type: none"> <li>5. <u>Structures less than 200 square feet in size that are visible from a public place proposing the use of more than three discretionary standards.</u></li> <li>6. <u>Exterior façade updates that propose more than three discretionary standards.</u></li> </ol>	<p><i>Clarifies that the DR-E review is triggered when the noted additional dwelling units are added to an existing multi-family development.</i></p> <p><i>The use of more than three discretionary standards for small buildings and façade changes warrants review by the Design Commission.</i></p>

**Section 16. Section 7.0601, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p><b>7.0601 Corridor Design District</b>  <b>Commercial Design Guidelines and Standards</b>  A.  ***  <b>Sections 7.0601 – 7.0603</b> do not apply to single family detached dwellings; duplexes; residential homes; transit bus shelters; park and ride facilities; recycling drop boxes; utilities and public facilities (as described in <b>Appendix : Public Facilities</b>); wireless communication <del>facility facilities; antennas;</del> public urban plazas and walking paths with associated trail access points and trailheads; non-building developments; developments (such as parking lots) in public parks; park related structures such as picnic shelters and public restrooms in public parks; cemeteries; sewerage or drainage system structures; water system structures; helicopter landing facilities; and similar uses/structures as determined by the Manager.  ***</p>	<p><i>Correction to terminology.</i></p>

**Section 17. Section 8.0122, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>8.0122 Wireless Communications Facilities</b>            In addition to the standards in <b>Section 8.0103</b>, the following apply to <u>new or replacement</u> wireless communications facilities where <del>they are</del> allowed through the Type II Special Use Review procedure and the Type III Special Use Review procedure when located in the GBSV District. <del>Additionally, the following standards apply to co-located facilities that cannot meet the standards in Section 10.0600.</del></p> <p><b>A.</b> An applicant for a wireless communications facility that includes a WCF tower must <u>demonstrate that the proposed facility cannot be</u> feasibly co-located on an existing WCF tower <u>in the service area or other facility</u>, <del>unless it can be reasonably demonstrated that such is not feasible</del>, in which case the new WCF tower shall be <del>grouped</del> <u>located at the same site as an existing WCF tower</u> or be located no closer than 2,000 linear feet from another <u>existing</u> WCF tower.</p> <p><b>B.</b> No wireless communication facility <u>tower</u> shall be located within the LDR-5, LDR-7, TLDR, TR, DRL-1, DLR-2, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW, THR-SW and LDR/GB districts unless such location is absolutely necessary to <u>close a significant gap in coverage and there is no feasible alternative for the maintenance of wireless communications within that service area.</u></p> <p><b>C.</b> For all wireless communication facility proposals <u>that include a WCF tower subject to the Gresham Community Development Code</u>, the <u>WCF</u> tower shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional antenna facilities.</p> <p><b>D.</b> Wireless communications facilities are exempt from floor area ratio and maximum setback requirements.</p> <p><b>E.</b> 1. All wireless communication facility proposals for personal wireless services shall be subject to the requirements and limitations of 47 U.S.C. 332(c)(7), Preservation of Local Zoning Authority, and the rules adopted by the Federal Communications Commission to implement said section.            2. All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C. 1455(a), Facility Modifications, and the rules</p>	<p><i>Clarification that this section does not apply to replacement structures.</i></p> <p><i>Clearer language regarding how an applicant needs to demonstrate that co-location is not feasible.</i></p> <p><i>Refines the requirement to ensure that it references proximity of the tower.</i></p> <p><i>Verizon has commented that this section should refer to both coverage and capacity objectives and the 2,000 separation be changed to 1,000. The city will not be pursuing these changes at this point in time.</i></p> <p><i>Consistency in language.</i></p>

Proposed Amendment	Commentary
<p>adopted by the Federal Communications Commission to implement said section.</p> <p>3. In the event of any apparent conflict or inconsistency between the applicable federal laws or rules and <b>Section 8.0103, Section 8.0122, Section 10.0601</b> or <b>Section 10.0602</b>, the applicability, and where required, the application of the provisions of federal laws and rules shall be determined as part of the Special Use Review process.</p> <p><b>F. Wireless Communication Facilities in the GBSV District are governed by the standards in <b>Section 8.0151.</b></b></p> <p><b>G. <u>Micro/mini cells subject to the regulations of the Gresham Community Development Code are exempted from the Special Use Review process and are reviewed through the building permit process if they are located on a roof top.</u></b></p> <p><u>Micro/mini cells that are proposed to be attached to the side of a building that cannot meet the following standards shall be required to be reviewed through the Type II Special Use process:</u></p> <ol style="list-style-type: none"> <li>1. <u>Be located at least 15 feet above ground.</u></li> <li>2. <u>Be no more than three cubic feet in size.</u></li> <li>3. <u>Be of a color that blends into the structure upon which it is attached.</u></li> <li>4. <u>No signage.</u></li> </ol>	<p><i>New language for micro/mini cells. Exemptions from Special Use Review if certain standards are met.</i></p> <p><i>Verizon has suggested the following:</i></p> <p><i>“<b>Small Cell Facilities</b> subject to the regulations of the Gresham Community Development Code are exempted from the Special Use Review process and are reviewed through the building permit process if they can meet the following standards:</i></p> <ol style="list-style-type: none"> <li><i>1. Be located at least 15 feet above ground, except for conduit and cabling.</i></li> <li><i>2. Satisfy the size limitations in the Definition of a Small Cell Facility.</i></li> <li><i>3. Be of a color that blends into the structure upon which it is attached.</i></li> <li><i>4. No signage, except for signs with standard public safety warnings, contact information or similar signage, or unless signage is required by the Federal Communications Commission (FCC) or other regulatory body with authority to regulation wireless communication facilities.”</i></li> </ol>



Proposed Amendment	Commentary
<p><u>yard. Where the side yard setback is immediately adjacent to the driveway/carport, this area may be incorporated into the driveway, once improved.</u></p> <p><del><b>9.0871. Recreational Vehicle Parking in Low Density Residential Districts</b></del>  As defined by <del><b>Section 3.0103</b></del> of the Community Development Code a recreational vehicle parked on a residential lot within the LDR-5, LDR-7 or TR Districts shall meet the following requirements:  <b>A.</b> The recreational vehicle shall be parked on a hard surface such as compacted gravel, concrete, asphalt, or similar durable material.  <b>B.</b> If parked on a corner lot the clear vision area parking restriction applies (refer to <del><b>Section 9.0200</b></del>).  ***</p>	<p><i>This section is being deleted as it does not contain any development related regulations. <b>GRC 8.25.020 Private Property Parking</b> provides applicable rules.</i></p>

**Section 20. Section 9.0901, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p><b>Section 9.0901. Projections into Required Yards And Above the Maximum Building Height</b></p> <p><b>A.</b> Projections into Required Yards. The following objects and structures may project into the required yard:  ***</p> <p><b>9.</b> Customary yard accessories, ornaments and furniture such as flag poles and landscape ponds.</p> <p><b><u>10. Micro/mini cell Wireless Communication Facilities.</u></b></p> <p><b>B.</b> Projections above the Maximum Building Height. Except in the GBSV District as described in <b>Section 9.0901.D</b>, the following structures may project above the maximum building height:  ***</p> <p><b><u>8. Micro/mini cell Wireless Communication Facilities.</u></b>  ***</p>	<p><i>Micro/mini cell technology is characterized by small canister WCFs that have minimal visual impact.</i></p> <p><i>Verizon has suggested the term Small Cell Facilities.</i></p>

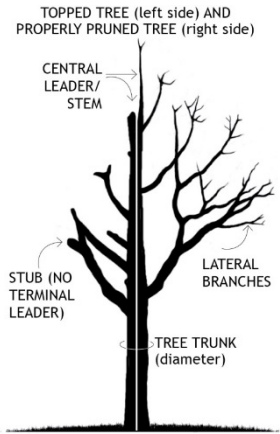
**Section 21. Section 9.1000, Development Code, is amended as follows:**

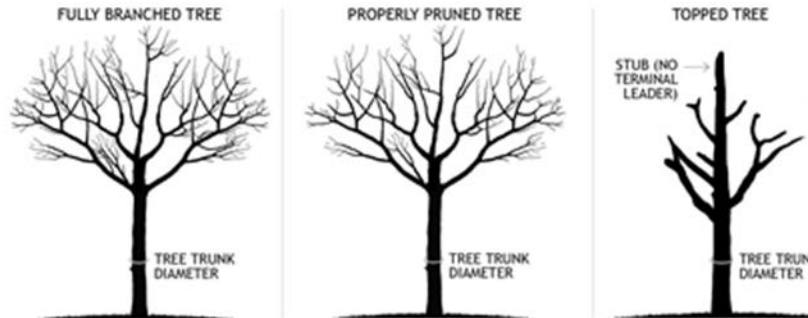
Proposed Amendment	Commentary
<p>***</p> <p><b>9.1011 Applicability</b>            It is the intent of this section to provide tree protection and the safe, orderly removal and replacement of trees on developed sites, and to provide good stewardship of the urban forest. All land within the city of Gresham is subject to the Tree Protection, Removal and Replacement regulations of <b>Sections 9.1012 – 9.1040</b>. References to the term Special Purpose Overlay Districts in <b>Section 9.1000</b> refer to the Floodplain Overlay District, Hillside Physical Constraint District, <u>the Gresham Butte Scenic View Overlay District</u>, and the Habitat Conservation Overlay District.</p> <p>***</p> <p><b>9.1021 Exemptions</b>            ***</p> <p><b>B.</b> The City of Gresham is exempt from permit requirements when it undertakes activities that are necessary for the protection of public health, safety and welfare; and when it performs maintenance of street trees in the public right-of-way and trees within designated City parks, trails and open space. Trees may be removed, or pruned in accordance with the pruning standards in <b>Subsection 9.1040(A)</b>, when the tree removal or pruning is necessary to accomplish a public purpose, including but not limited to the installation of public facilities and utilities in the right-of-way or general utility easement, habitat restoration activities, or for construction of a public street, public trail, public park or public urban plaza.</p> <p>***</p> <p><b>9.1022 Tree Protection During Development</b>            ***</p> <p><b>C.</b> Significant Tree(s). When development is proposed for property that includes or abuts the dripline of a Significant Tree(s) on an abutting site, the Significant Tree(s) abutting the site shall be preserved and protected as specified in Subsection (B) during all development activities, including preliminary grubbing and clearing. A conservation easement shall be imposed on the site of the development to ensure ongoing protection of the Significant Tree(s) on the abutting property. The conservation easement shall be located at the dripline in a radius from the tree at the rate of 1 foot of horizontal distance from the tree for each 1 inch of diameter of the tree unless a Certified Arborist determines that the tree can be protected adequately with less distance.</p> <p>1. <u>The Manager, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback</u></p>	<p><i>New Overlay District added.</i></p>





Proposed Amendment	Commentary
<p>removed, or pruned in accordance with the pruning standards of Subsection 9.1040(A), when the tree removal or pruning is necessary to accomplish a public purpose, including the installation of public facilities and utilities in the right-of-way or general utility easement, habitat restoration activities, or for construction of a public street, public trail, public park or public urban plaza.</p> <p>***</p> <p><b>9.1032 Tree Protection During Development</b></p> <p>***</p> <p>C. Significant Trees/Significant Grove. When development is proposed for property that includes or abuts the dripline of a Significant Tree(s) on an abutting site, the Significant Tree(s)/Significant Grove abutting the site shall be preserved and protected, as specified in Subsection (B) during all development activities, including preliminary grubbing and clearing. A conservation easement shall be imposed on the site of the development to ensure ongoing protection of the Significant Tree(s)/Significant Grove on the abutting property. The conservation easement shall be located at the dripline in a radius from the tree at the rate of 1 foot of horizontal distance from the tree for each 1 inch of diameter of the tree unless a Certified Arborist determines that the tree can be protected adequately with less distance, or as determined by a Certified Arborist.</p> <p>1. <u>The Manager, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Significant Tree or Trees. The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with other conditions placed on the property.</u></p> <p>2. <u>The Manager, pursuant to a Type II procedure, may grant a five percent reduction to the lot size and ten percent reduction to the lot width and lot depth standards in approving a subdivision or partition if necessary to retain a Significant Tree or Trees.</u></p> <p>3. <u>The Manager, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a Significant Grove of trees is preserving those trees would:</u></p> <p>a. <u>Cause the loss of ten percent or more of the total number of allowed lots or units, or</u></p> <p>b. <u>Cause an increase of five percent or more in the cost of installing on-site utilities.</u></p>	<p><i>Language was inadvertently omitted during the Tree Code updates.</i></p>

Proposed Amendment	Commentary
<p>***</p> <p><b>9.1033 Street Tree Planting During Development</b></p> <p>***</p> <p>B. Street trees of a minimum 1.75-inch caliper are required when a land use or building permit requires street trees. <del>Street trees within a clear vision area shall be a minimum of 2-inch caliper and a minimum of 6 feet tree head height at time of planting.</del></p> <p>***</p> <p><b>9.1036 Tree Removal Post Development</b></p> <p>***</p> <p>D. Removal of Required or Regulated Trees that meet the definition of Imminent Hazard Tree or Hazard Tree, and which cannot be retained as a Habitat Tree due to proximity of a target, such as a person or property, that cannot be moved or altered, shall meet the following standards:</p> <p>***</p> <p>1. Removal of Required or Regulated Trees that are hazardous but do not present an imminent hazard to the safety of people or protection of property shall be reviewed under a Type I procedure, except for Significant Trees <del>and trees in overlay districts</del>, the removal of which shall be reviewed under a Type II procedure, as required by <b>Section 9.1036(E)</b>.</p> <p>***</p> <p><b>9.1040 Pruning of Required and Significant Trees</b></p> <p>***</p> <p>C. Tree Topping, as defined in <b>Article 3</b>, of Required Trees must be replaced through the applicable Type I Permit.</p> <p><b>Diagram 3: Tree Topping Diagram</b></p> 	<p><i>The Clear Vision Area affects private property. Since Street Trees are not located on private property, this language is not needed.</i></p> <p><i>This change represents a long-standing practice of allowing property owners to remove hazardous trees in overlay districts through the Type I process. Requiring a Type II could cause delays in the removal of potentially dangerous trees.</i></p>

Proposed Amendment	Commentary
<p data-bbox="203 262 609 294"><u>Diagram 3. Tree Pruning Diagram</u></p>  <p data-bbox="203 661 251 682">***</p> <p data-bbox="203 724 479 756"><b>9.1060 Civil Penalties</b></p> <p data-bbox="576 766 625 787">***</p> <p data-bbox="251 798 998 1228"> <b>C.</b> In addition to any other penalty provided by law and the remedies established in Article 2 of the Gresham Community Development Code and <del>Gresham Revised Code Article 7.15</del>, any person determined to be responsible for violation of any of the provisions of <b>Section 9.1000</b> may be required to <del>correct the violation</del> <u>pay a penalty in the amount of up to three times the arboricultural value of the lost tree or trees, as determined by an independent consulting arborist and pay for the cost of the arborist review and report. The person determined to be responsible for violation of the provisions of Section 9.1000 shall also replace the removed trees with like trees as specified by the City or pay into the City's designated tree fund the equal replacement value of removed trees.</u> </p> <p data-bbox="576 1239 625 1260">***</p>	<p data-bbox="1023 430 1412 556"><i>A revised diagram is included to more clearly depict the difference between a properly pruned and topped tree.</i></p> <p data-bbox="1023 598 1364 661"><b><i>NOTE:</i></b> <i>This graphic will be revised to be clearer.</i></p> <p data-bbox="1023 997 1412 1102"><i>Adds additional language for required replacement of trees or the value of lost trees.</i></p>

**Section 22. Section 10.0500, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p>***  <b>10.0502 Home Occupation General Requirements</b>            ***</p> <p>B. An application for a home occupation shall be reviewed by the Manager under the Type II procedure of <b>Section 11.0400</b>, unless the home occupation meets the review exception standards of <b>Section 10.0504</b>, in which case the application process shall be under the Type I procedure of <b>Section 11.0300</b>, <u>and will be processed as part of the Business License application.</u> Application for the development permit shall be made by the person desiring to conduct the use, and, the owner or authorized representative of the property on forms provided by the City.</p>	<p><i>Clarification of a long-standing process.</i></p>
<p>***</p> <p>D. For the purposes of this section “home” refers to the residential location, including single family dwelling, single family dwelling unit, single family accessory dwelling unit, apartment unit, duplex, condominium unit, and associated garage, of the home occupation. All “homes” as described here may seek approval of a home occupation.</p>	
<p>***  <b>10.0504 Occupation Review Exception Standards</b>            ***</p> <p>D. Activities of or pertaining to the home occupation that occur at the home shall remain within the confines of the dwelling unit and/or garage; <u>with the exception of those outdoor uses described in Section 10.0504.E.</u></p> <p>E. <u>The growing of plants, vegetables, fruits and flowers is allowed in “home” yards of home based businesses. Egg production that meets the requirements of GRC Article 7.17 and honey production meeting the requirements of GRC Article 7.18 are also allowed.</u></p>	<p><i>Allowing select outdoor uses to be included in the rules for Home Occupations.</i></p>
<p>***  <b>10.0505 Performance Standards for a Home Occupation</b>            ***</p> <p>D. No more than an area equivalent to 50% of the total floor area of the home may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Home occupation area may be located within a portion of the dwelling building and/or an attached or detached garage. However, home occupations shall not be located in other accessory structures. <u>Outdoor uses are allowed pursuant to Section 10.0504.E.</u></p> <p>E. <u>With the exception of the uses described in 10.0504.E.</u> <del>there</del> <u>There</u> shall be no outside storage of materials or</p>	<p><i>As above.</i></p> <p><i>As above.</i></p>

Proposed Amendment	Commentary
<p>equipment associated with the home occupation. Nor shall there be any storage or use of explosive, flammable, radioactive, toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Fire Code.</p> <p style="text-align: center;">***</p>	

**Section 23. Section 10.0800, Development Code, is repealed as follows:**

Proposed Amendment	Commentary
<div style="background-color: black; color: white; text-align: center; padding: 5px; font-weight: bold; font-size: 1.2em;">           SECTION 10.0800            MOVING OF BUILDINGS         </div> <p><del>General</del></p> <p><del>10.0801 Moving of Building</del></p> <p><del>Development Permits for Moving of Building</del></p> <p><del>10.0810 Moving of Buildings, Development Permit Required</del></p> <p><del>10.0811 Application for Moving of Building</del></p> <p><del>10.0812 Guarantee of Completion for Moving Building</del></p> <p><del>10.0813 Issuance of Development Permit</del></p> <p><del>10.0814 Conditions of Development Permit</del></p> <p><del>10.0815 Notice of Move</del></p> <p><del>10.0816 Permits from County and State</del></p> <p><del>10.0817 Continuity</del></p> <p><del>10.0818 Liability</del></p> <p><del>10.0819 Revocation</del></p> <p><del>10.0820 Fee</del></p> <p><del>10.0821 Movement on County Roads and State Highways</del></p> <p><del>General</del></p> <hr/> <p><del>10.0801 Moving of Building</del></p> <p><del>Movement of structures within the City of Gresham shall be done by a building mover bonded by the City of Gresham, subject to compliance with all requirements related thereto.</del></p> <p><del>Development Permits for Moving of Buildings</del></p>	<p><i>The moving of buildings is not a development related issue.</i></p> <p><i>This entire section is being deleted, reworded and placed in GRC Article 10.XX.</i></p>

~~10.0810 Moving of Buildings, Development Permit Required~~

- ~~A. — A building that exceeds 8 feet in width, 40 feet in length, or extends more than 14 feet from the ground when loaded for moving, may be moved across or along a public street of the city:~~
- ~~1. — in accordance with a permit applied for and issued in accordance with this code, and~~
  - ~~2. — by a bonded building mover with adequate liability insurance.~~
- ~~B. — A building, for purposes of this section, shall not include a manufactured home as defined in Article 3.~~

~~10.0811 Application for Moving of Building~~

~~The Manager may grant a development permit under the Type I procedure for moving a building.~~

~~10.0812 Guarantee of Completion for Moving Building~~

~~The development permit shall not be issued unless the applicant furnishes the City with a Guarantee of Completion. The guarantee shall be equal to 110% of the estimated cost of making the relocated building ready for occupancy and use in accordance with the Community Development Code.~~

~~10.0813 Issuance of Development Permit~~

~~The Manager shall issue the development permit if:~~

- ~~A. — The application complies with the requirements of the Community Development Code; and~~
- ~~B. — The moving can be accomplished without damage to property or, in the case of such damages, it is consented to by the owner of the property or is to be paid for to the owner's satisfaction.~~

~~10.0814 Conditions of Development Permit~~

~~The development permit shall specify the following:~~

- ~~A. — The route for moving the building;~~
- ~~B. — The date when the permit will expire;~~
- ~~C. — The days in the week and the hours in the day when the move will be allowed;~~
- ~~D. — Whether the applicant must provide uniformed escorts; and~~
- ~~E. — Whatever additional conditions the Manager deems necessary to minimize the obstruction of traffic, protect property, and protect the public safety and welfare.~~

~~10.0815 Notice of Move~~

~~After the development permit is issued, the applicant shall notify the Manager at least 24 hours prior to the actual time the move will take place.~~

~~10.0816 Permits from County and State~~

~~If the building is to be moved along or across county roads or state highways, the applicant must obtain the appropriate permits from the applicable jurisdictions.~~

Proposed Amendment	Commentary
<p><del>10.0817 Continuity</del></p> <p><del>Once a building has been moved into a public street pursuant to a development permit, the party moving the building shall continue with the moving project without interruption until it is completed, except as the development permit or the Manager specifically allow. The Manager may alter the route or the time of the move if necessary.</del></p> <p><del>10.0818 Liability</del></p> <p><del>The development permit shall not constitute an authorization for damaging property. The development permit shall constitute no defense against whatever liability the permittee incurs for personal injury or property damage caused by the moving.</del></p> <p><del>10.0819 Revocation</del></p> <p><del>A development permit issued under this section may be summarily revoked by the Manager if the permittee violates any term of the development permit.</del></p> <p><del>10.0820 Fee</del></p> <p><del>The council may establish by resolution a development permit fee for moving buildings.</del></p> <p><del>10.0821 Movement on County Roads and State Highways</del></p> <p><del>The Manager may waive any of the requirements of this section regarding buildings to be moved through the city upon a county road or state highway from and to points outside the city limits, if the movement will be made pursuant to a permit issued by the appropriate county or state agency, if notice of such proposed movement and a copy of the permit is submitted to the Manager prior to the movement, and if the Manager is satisfied that adequate precautions have been taken to protect the public safety and welfare. The Manager shall approve the date and time of the move.</del></p>	

**Section 24. Section 11.0102, Development Code, is amended as follows:**

Proposed Amendment	Commentary
<p><b>11.0102 Exclusions from Development Permit</b></p> <p>***</p> <p><b>F.</b> The following activities do not require a Development Permit, except in the Habitat Conservation Area Overlay District:</p> <p>***</p> <p><u>6. Commercial structures of under 200 square feet not visible from a public place.</u></p> <p>***</p>	<p><i>These structures are exempted from design standards and no building permit is required. See also Section 7.0003 proposed changes above.</i></p>



**Section 25. Section 11.0402, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>11.0402 Type II Procedures</b> ***</p> <p><b>B. Neighborhood Meeting</b> 1. A neighborhood meeting is required for those Type II applications which require a pre-application conference, as indicated in <b>Table 11.0204</b>, except as otherwise noted, including industrial uses identified in Section 7.0003(D)(6)(a) <u>and DR-C reviews as noted in Section 7.0003.C.</u></p> <p>***</p> <p><b>F. Type II Notice of Decision</b> ***</p> <p><b>2. The written decision shall include:</b></p> <p><b>f.</b> The date the decision shall become final, unless appealed within twelve (12) calendar days of the notice of decision. The notice of decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision; <u>and</u></p> <p><del><b>g.</b> A statement that, unless the applicant is the appellant, the hearing on an appeal from the decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period; and</del></p> <p><del><b>hg.</b> A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.</del></p>	<p><i>DR-C reviews involving structural changes require pre-application meetings but no Early Neighborhood Meeting. This retains the review at a mid-level development review, but allows for the ability of staff to provide advice at the pre-application meeting that will enhance the processing of the actual application.</i></p> <p><i>These hearings are de novo, so the information noted in Section 11.0402.F.2.g. is not needed.</i></p>

**Section 26. Section 11.0502, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>11.0502 Type III Procedures</b> ***</p> <p><b>E. Type III Public Notice</b> ***</p> <p><b>2.</b> At least 20 days prior to the hearing, the city shall mail written notice of the public hearing for all Type III applications to:</p> <p><b>a.</b> The applicant and/or authorized representative;</p>	

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>b.</b> The owner(s) of record of the subject property;</p> <p><b>c.</b> Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property; and the Presidents and Land Use Chairs of all City-recognized neighborhood associations when the development is proposed in the GBSV District;</p> <p><b>d.</b> Owners of property located within 300feet of the perimeter of the subject property and owners or record within five hundred (500) feet of the perimeter of the subject property when the development is proposed in the GBSV District;</p> <p><b>e.</b> <del>Any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice</del> <u>Affected city departments and any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice. Such departments and agencies may request up to a 15-day extension to their comment period if the application involves unusual circumstances. The department or agency is assumed to have no comments if no comments are received within the specified time period;</u> and</p> <p>***</p>	<p><i>This language mirrors that for Type I and Type II procedures and clarifies that, unless an extension is requested, it is expected that the agency has no comments unless those comments are received during the specified timeframe.</i></p>

**Section 27. Section 11.0600, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>11.0602 Type IV Procedures</b></p> <p>***</p> <p>D. Type IV Public Notice</p> <p>1. For Comprehensive Plan Amendments, the public notice is as follows:</p> <p><b>a.</b> A Type IV proposal to amend the Community Development Plan or Code or to adopt a new land use regulation shall be submitted to the Manager of the Department of Land Conservation and Development (DLCD) along with appropriate forms at least 45 days prior to the initial evidentiary hearing on adoption. Notice to DLCD is not required when the city determines that the goals do not apply to a particular proposed amendment or new regulation.</p> <p><u>Affected city departments and any governmental agency which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice. Such departments and agencies may request up to a 15-day extension to their comment period if the application involves unusual circumstances. The department or agency is assumed to have no comments if no comments are received within the specified time period.</u></p>	<p><i>This language mirrors that for Type I and Type II procedures and clarifies that, unless an extension is requested, it is expected that the agency has no comments unless those comments are received during the specified timeframe.</i></p>

Proposed Amendment	Commentary
<p><b>b.</b> Not more than 40 nor less than 20 days before the initial evidentiary hearing on the Type IV proposal, the Manager shall mail notice to owners of property within the city for which the proposed ordinance, if adopted, may in the Manager’s opinion affect the permissible uses of land. The notice of the initial evidentiary hearing for a Type IV procedure shall include at least the following information:</p> <p>***</p> <p style="padding-left: 40px;">9. If applicable, a statement that the ordinance is a result of an order of the Land Conservation and Development Commission or Metro.</p> <p>***</p> <p>2. For all other Type IV applications, such as vacations and historic resource designations, the public notice is as follows:</p> <p style="padding-left: 20px;">a. At least 20 days prior to the hearing, the City shall mail written notice of the public hearing to:</p> <ol style="list-style-type: none"> <li>1. The applicant and/or authorized representative;</li> <li>2. The owner(s) of record of the subject property;</li> <li>3. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property;</li> <li>4. Owners of property located within 300 feet of the perimeter of the subject property;</li> <li>5. <del>Any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice;</del> <u>Affected city departments and any governmental agency which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice. Such departments and agencies may request up to a 15-day extension to their comment period if the application involves unusual circumstances. The department or agency is assumed to have no comments if no comments are received within the specified time period.</u></li> </ol> <p>***</p>	<p style="text-align: center;"><i>As above.</i></p>

**Section 28. Section 11.0802, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>11.0802 Applicability</b>                      A neighborhood meeting is required for all applications that require a pre-application conference as indicated in <b>Table 11.0204</b>, unless otherwise noted. Industrial use reviews as described in <b>Section 7.0003(D)(6)(a)</b> and DR-C applications requiring a pre-application conference as described in <b>Section 7.0003.C.2, Section 7.0003.C.10</b> and <b>Section 7.0003.C.11</b> do not require a Neighborhood Meeting.</p>	<p><i>Clarifies that no early neighborhood meeting is required for these application types.</i></p>

**Section 29. Section 11.1105, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p><b>11.1106 Specific Provisions for Appeal of a Type II Decision</b>                      ***                      C. The appeal hearing shall be <i>de novo</i>, which means new evidence and argument can be introduced in writing, orally, or both.  <del>D. The scope of the appeal hearing of a Type II decision must be based on the written comments provided under Section 11.0402(D)(2) or, based on applicant’s statements within the notice of appeal.</del>  <b>ED.</b> The decision of the designated appeal body for appeals of Type II decisions shall be the final local decision.                      .                      ***</p>	<p><i>Correction. These hearings are also de novo.</i></p>

**Section 30. Appendix 5, Development Code, is amended as follows:**

<b>Proposed Amendment</b>	<b>Commentary</b>
<p>Appendix 5.000 Public Facilities                      ***                      A.5.010 Plan Check, Inspection                      ***  <u>A.5.011. Standards for Utilities, Utility Lines, Stormwater Facilities and Rights-of-Way in the Springwater Environmentally Sensitive Resource Area (ESRA).</u>  <u>ESRA utilities, utility line and stormwater facility standards are located in Section 4.1581. ESRA right-of-way standards are found in Section 4.1582.</u>                      ***</p>	<p><i>Public facility-related standards for the Springwater ESRA are appropriately contained within the Springwater ESRA section of the code. This amendment serves as a cross reference to those referencing <b>Appendix 5 Public Facilities</b>.</i></p>