ARTICLE 9
COMMON REQUIREMENTS

SECTION 9.0100
BUFFERING AND SCREENING REQUIREMENTS

General

9.0101 Responsibilities

Buffering and Screening Requirements

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9.0111 Buffer Matrix

General

9.0101 Responsibilities

To reduce the impacts on adjacent conforming uses that are of a different type, buffering and screening will be required. The property owner is responsible for the establishment and maintenance of buffering vegetation and screening in accordance with the requirements of this section unless the abutting use has already provided buffering in compliance with the standards in this Article.

Buffering and Screening Requirements

9.0110 Buffering and Screening Requirements

A. A buffer consists of a horizontal distance adjacent to the property line. The following standards apply to materials in the buffer:

1. The following elements are allowed in the buffer: vertical elements such as plants, berms, fences or walls; screening; landscaping materials (including gardens); stormwater facilities such as rain gardens and bioswales; and garden elements such as arbors, trellises, fountains, ponds, yard accessories and seating. Seating must be at least 5 feet from the abutting property line. Underground, in-ground and overhead utilities are allowed in the buffer. Above-ground installation of mechanical equipment such as for heating, ventilation, renewable energy systems and air conditioning is not allowed in the buffer width.

2. Unless listed in **Section 9.0110(A)(1)**, projections listed in **Section 9.0901(A)** shall not be allowed in the buffer.

3. Children's play areas are not allowed in the buffer area.

B. Buffer tree requirements can count toward yard and site tree requirements. They shall not count toward other requirements such as drive, parking lot and street tree requirements.

C. For purposes of this section, a vacant lot is a lot that is undeveloped or developed with a non-conforming use. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the most intense conforming use. Least to more intensive uses are as shown in the sequencing in **Table 9.0111(A)**.

1. When the proposed development occurs adjacent to a vacant lot one-half of the buffer and screening shall be provided at the time of the proposed development. The one-half provided by the proposed development shall at least include one-half of the required buffer width and one-half of required buffer shrubs and trees and groundcover. A required fence or wall shall be provided by the more intensive use at the time of its development. The balance of the buffer shall be provided at the time the vacant lot is developed.

2. If the proposed development abuts a property in the LDR-5, LDR-7, TLDR or TR District, the entire buffer shall be provided by the proposed development.

3. If the proposed development is an LDR-5, LDR-7, TLDR or TR District dwelling and abuts vacant land that is primarily intended for a more intensive use, the entire buffer shall be provided by the more intensive use at the time of its development.

4. When a proposed development occurs adjacent to an existing use that has not provided a buffer and screening in accordance to this section, the proposed use shall provide the buffer and screening to the conforming use of the adjacent property.

D. Buffers are required across streets only when:

1. Industrial uses are adjacent to single-family detached, duplex, and single-family attached uses across streets that have a designated right of way in the Public Works Standards of less than 100 feet. Screening required as part of E or F landscape requirements (as defined in **Table 9.0111(B)**) shall be incorporated. On portions of the site facing the street, the required landscaping shall be oriented toward the right of way.

2. Commercial or Type B (see **Section 9.0111(A)(2)**) uses greater than 10,000 square feet (either in one building or an entire site, including both indoor and outdoor uses) adjacent to single-family detached, duplex and single-family attached uses that are across streets with a designated right of way in the Public Works Standards of 60 feet or less. In this case, screening elements would not be required.

E. Required materials within the buffer, as provided in this Article shall consist of the following:

1. Trees (see **Article 3** for definitions):

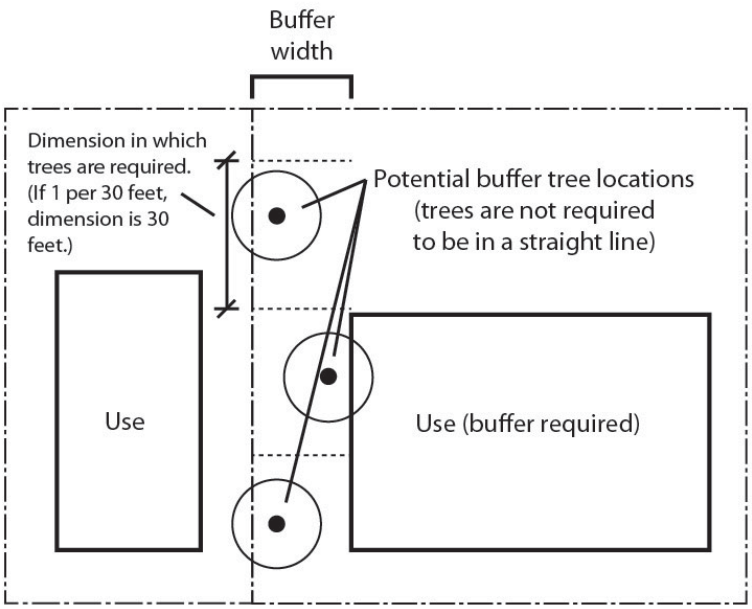
a. Shade trees capable of at least 25 feet in height and spread at maturity. These trees shall be not less than 10 feet high and 2.5 inches caliper in size at the time of planting and shall be balled and burlapped or container stock. In buffer widths that are less than 15 feet, shade trees shall be capable of reaching a height of at least 25 feet and at least 15 feet of spread at maturity.

b. Evergreen trees that are capable of at least 25 feet in height. These must be 8 feet in height at the time of planting and balled and burlapped or container stock.

c. At least one tree shall be required to be planted within the area specified in the "Trees" column in **Table 9.0111(B)**. For example, if the standard requires 1 tree

per 30 linear feet, at least 1 tree shall be planted in each 30 linear feet. They are not required to be planted in a straight line. See **Figure 9.0110(E)**.

Figure 9.0110(E) Tree Placement in Buffer



2. Evergreen and deciduous shrubs: With the exception of dwarf shrubs such as boxwood, shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1 gallon size at planting. Shrub selection shall consider which plants will thrive under selected trees and in shade or sun conditions. The shrubs should be planted to obscure the lower portion of any required fence or wall. Hedges required for screening must be a minimum of 6 feet tall at the time of planting.

3. Ground cover: shall be well rooted in either flats or a minimum of 1 gallon pots. Ground cover selection shall consider which plants will thrive under selected trees and in shade or sun conditions. Ground cover shall cover the balance of the buffer area.

4. Fences: shall be sight-obscuring so as to provide complete visual separation from the adjacent property. Fences shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.

5. Walls: shall be a sight-obscuring fence constructed of brick, stone or concrete. Walls shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.

6. Berms: shall provide a natural appearance through undulating changes in berm height. Berms shall not have a slope greater than 33 percent (1 foot in vertical height for every 3 feet in horizontal distance), except that one side of a berm can be supported by a retaining wall. They shall be landscaped with the required evergreen shrubs and trees from the buffer matrix or additional shrubs and trees. Alternative berm designs can be considered as part of an alternative buffer plan.

F. Maintenance: Compliance with the following criteria is required:

1. Inspections. A City representative will perform a final landscape inspection to ensure that the landscape demonstrates equivalent compliance with the approved landscape plan upon completion of the project and before issuance of a Temporary or Final Certificate of Occupancy following a request from the developer.

The inspection time period is from March 1 to November 15. If an inspection is requested between November 16 and the last day of February and the landscaping is not complete, or if the applicant requests a Temporary Certificate of Occupancy to occupy one or more buildings on site prior to the landscaping being completed, a financial guarantee is to be provided based on one hundred and ten percent (110%) of the estimated cost of plant materials and buffer elements (such as walls and fences) and labor for the total landscape plan as indicated in a landscape cost estimate. Beginning March 1, the applicant has 180 days to complete the items or the City will cash in the amount being held and finish the landscape job.

2. Establishment period. The establishment period for the plant material guarantee will begin at the Final Certificate of Occupancy inspection approval to 2 years from that date. All plantings shall be properly planted as to be in a healthy, growing condition at commencement of the establishment period. At the end of the establishment period, any plantings that are 20 percent (20%) dead or greater shall be replaced.

3. Maintenance of required planting by the owner shall be carried out so as to present a healthy, neat and tidy appearance, free from refuse and debris.

4. To ensure proper maintenance and as a condition of Final Site Plan approval, the property owner shall enter into and record with the City a Landscape Maintenance Agreement, or include such provisions as part of the condominium master deed, each of which shall be approved by the City Attorney. Such instrument shall identify the minimum plan of maintenance, the person or entity responsible for maintenance, and shall provide the procedure, authority and finance for City cure of breaches by the responsible entity. Such instrument shall also include: provisions that all unhealthy and dead material shall be replaced within 1 year, or the next appropriate planting period, whichever occurs first; all landscaped areas shall be provided with an operable irrigation system; tree stakes, guy wires and tree wrap are to be removed after 1 winter season; and plantings shall be guaranteed for 2 years after the Final Certificate of Occupancy inspection approval.

5. Responsibility and Certificates of Occupancy. The owner of the property subject to the requirements of this Section shall be responsible for installing and maintaining landscaping per the approved final landscape plan as specified in this Section. Where a person other than the owner occupies the property, the occupant shall also be responsible for maintenance.

G. When the following situations exist, the buffering and screening may be reduced or eliminated, or alternative means of providing the desired screening may be instituted.

1. Existing buffering and screening: If the subject parcel or abutting use has provided buffering and screening in compliance with this section, the buffering and screening elements already provided (such as trees, fences or walls in good condition, and plant material) may count toward required buffering and screening requirements. For existing

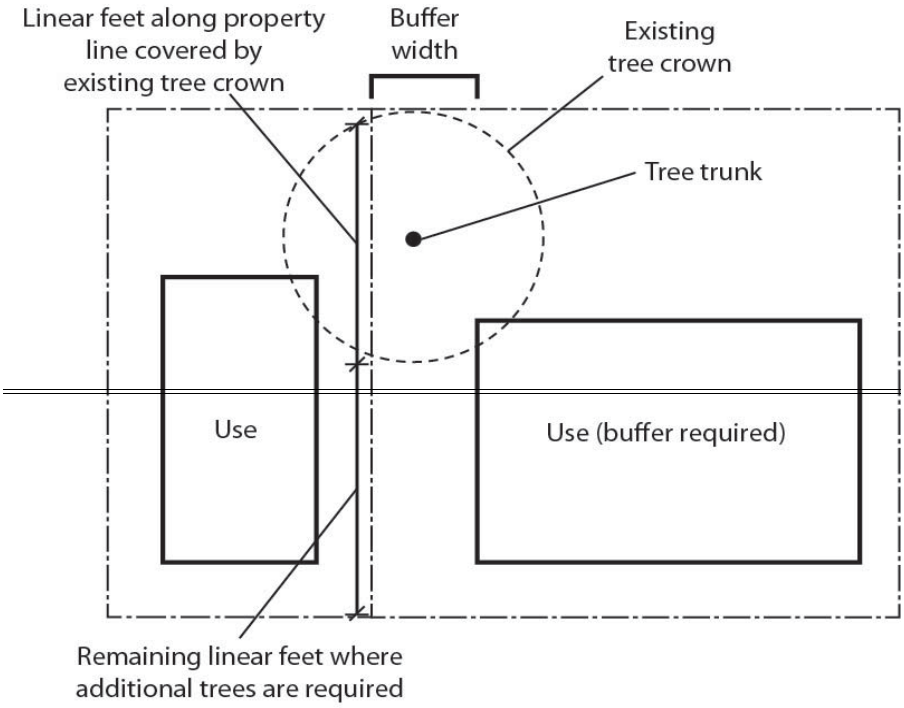
trees:

a. Existing healthy trees of at least 2.5 inches in diameter breast height that meet the standards of **Section 9.0110(E)(1)** for eventual height and crown at maturity may count toward the trees required in **Table 9.0110(B)**. They shall be protected during construction following the standards in **Sections 9.1022** and **9.1032**. Existing trees to be counted toward this requirement must be confirmed by a Certified Arborist to be healthy trees.

b. If an existing tree or trees counts toward required buffer trees, the tree or trees satisfies buffer tree requirements for the dimension specified in **Table 9.0111(B)** or the entire length of its crown cover along the property line, whichever is larger. To determine buffer tree requirements along the entire property line, applicants may subtract the linear feet along the property line covered by the existing tree(s) and then determine how many trees are required for the remaining linear feet, as shown in **Figure 9.0110(G)**.

c. If an existing tree that counts toward required trees is subsequently removed, it shall be replaced according to the standards in **Table 9.0111(B)**.

Figure 9.0110(G) Existing Trees in Buffer



2. Alternative plan: In lieu of these buffer width, landscape and screening standards, and at his/her option, the owner may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, walks, berms and other features designed to afford the degree of desired buffering and screening. Such plans and specifications shall be submitted to the Manager for review. The alternative plan shall comply with the following standards:

a. For all uses except single-family detached homes, the alternative buffer plan must be prepared and stamped by a licensed Landscape Architect. Landscape plans for stormwater facilities may be designed by either a licensed Landscape Architect or a licensed Civil Engineer; and

b. If the alternative plan contains a buffer width narrower than required in **Table 9.0111(B)**, the applicant must demonstrate that the buffer width requirements cannot be met because the applicant desires to protect important natural features (such as a significant or major tree, wetlands, habitat) or because of constrained lot, site or physical conditions; and

c. The alternative buffer shall meet the intent of the buffer width, landscaping and screening standards. This includes the proper type, spacing, height, placement and location of required material, including plants, fences and walls. Related to noise, the applicant shall demonstrate that the materials used will have similar noise absorption or reflection properties, such as by providing Noise Reduction Coefficient ratings or Sound Transmission Class data for barrier materials; and

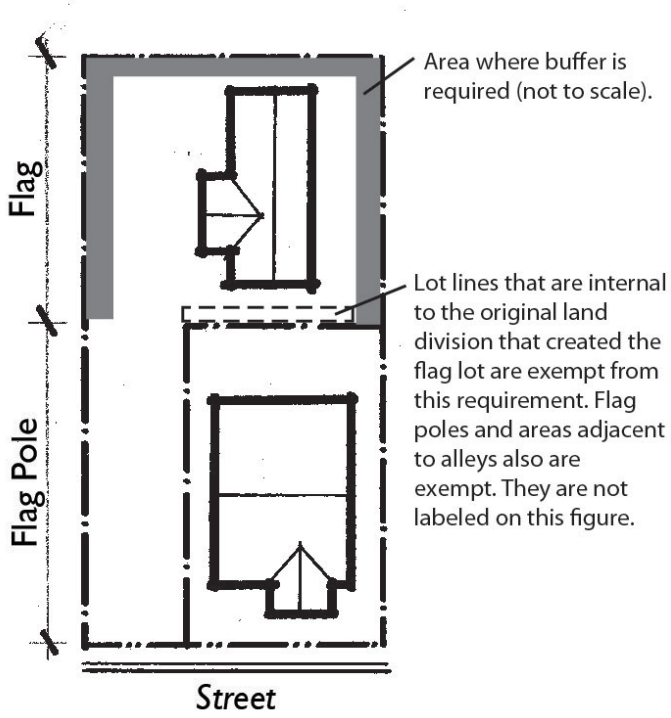
d. If the buffer width is proposed to be reduced, the number, selection and placement of required materials (such as plants, fences or walls) shall be enhanced to compensate for the reduction in separation to assist in achieving the buffer width, landscape and screening standard's intent.

H. Development of new residential structures on flag lots shall provide a landscaped area around the perimeter of the flag portion of the flag lot. The flag pole and lot lines that are internal to the original land division that created the flag lot, or adjacent to an alley, are exempt from this requirement (see **Figure 9.0110(H)**).

1. The landscaped area shall be at least 5 feet wide and include a 6-foot evergreen continuous, hedge or a 6-foot fence/wall along the property lines. The landscaped area can overlap with driveway planting strips required in **Section 4.0138(C)(6)**.

2. For lots where the flag portion is greater than 20,000 square feet, the applicant may request to be approved at the Manager's discretion a reduction in the screening (hedge or fence) requirement to limit the fencing to areas where it will address privacy between residential developments near lot lines.

Figure 9.0110(H) Buffers Required on Flag Lots



9.0111 Buffer Matrix

A. Buffer Matrix **(Table 9.0111A** and **B)** Notes:

1. Type A uses are those noise sensitive uses typically subject to a Special Use Review and include: Elderly Housing, Daycare Facilities, public library, Medical uses, public urban plazas, public neighborhood parks, public community parks, public multi-use paths, public walking/hiking trails, Religious Institutions and Schools.

2. Type B uses are those uses typically subject to a Special Use Review and are not included as a Type A use. This includes: Commercial Parking, Major Event Entertainment, all Civic Uses except for libraries, Community Services, golf courses, Basic Utilities, and Heliport Facilities.

3. Manufactured dwelling park buffer and screening standards are found in **Section 7.0211** of the Community Development Code.

4. Alternative buffer and screening standards for public trails are found in **Section 8.0117**.

B. Buffer Width. Landscape and Screening Requirements (**Table 9.0111(B)**) Notes:

1. On lots where the height transition standard of **Section 9.0600** applies and an application will result in structures within 35 feet of the property line that exceed 22 feet in height, the following standards apply:

a. If the Buffer Width, Landscape and Screening Requirements provide more than one option, only Option 1 shall be used.

b. Alternative buffer plans that reduce buffer width shall not be permitted.

2. Single-family attached dwellings abutting single-family detached or duplex dwellings that are part of the same development application shall only be required to provide an “A” buffer

as shown in **Table 9.0111(B)**. Single-family attached dwellings abutting existing single-family detached or duplex dwellings not part of the same development application shall provide the buffer required in **Table 9.0111(A)**.

Table 9.0111(A) – Buffer Matrix

	ABUTTING USE									
	Single-Family Detached Dwellings and Duplexes	Single-Family Attached Dwelling	Attached Dwellings on a Single Lot	Type A Uses	Commercial	Type B Uses	Outdoor Commercial	Auto-Dependent Commercial	Industrial	Springwater Industrial
PROPOSED USE										
Single-Family Detached Dwellings and Duplexes	-	A	A	A	A	A	A	A	A	A
Single-Family Attached Dwellings	B	-	B	B	C	C	D	D	E	-
Attached Dwellings on a Single Lot	C	B	B	A	C	C	D	D	E	-
Type A Uses	C	B	A	B	C	C	D	D	E	-
Commercial	C	C	C	C	-	-	-	-	-	-
Type B Uses	C	C	C	C	-	-	-	-	-	-
Outdoor Commercial	D	D	D	D	-	-	-	-	-	-
Auto-Dependent Commercial	D	D	D	D	-	-	-	-	-	-
Industrial	E	E	E	E	-	-	-	-	-	-
Springwater Industrial	F	F	F	-	-	-	-	-	-	-

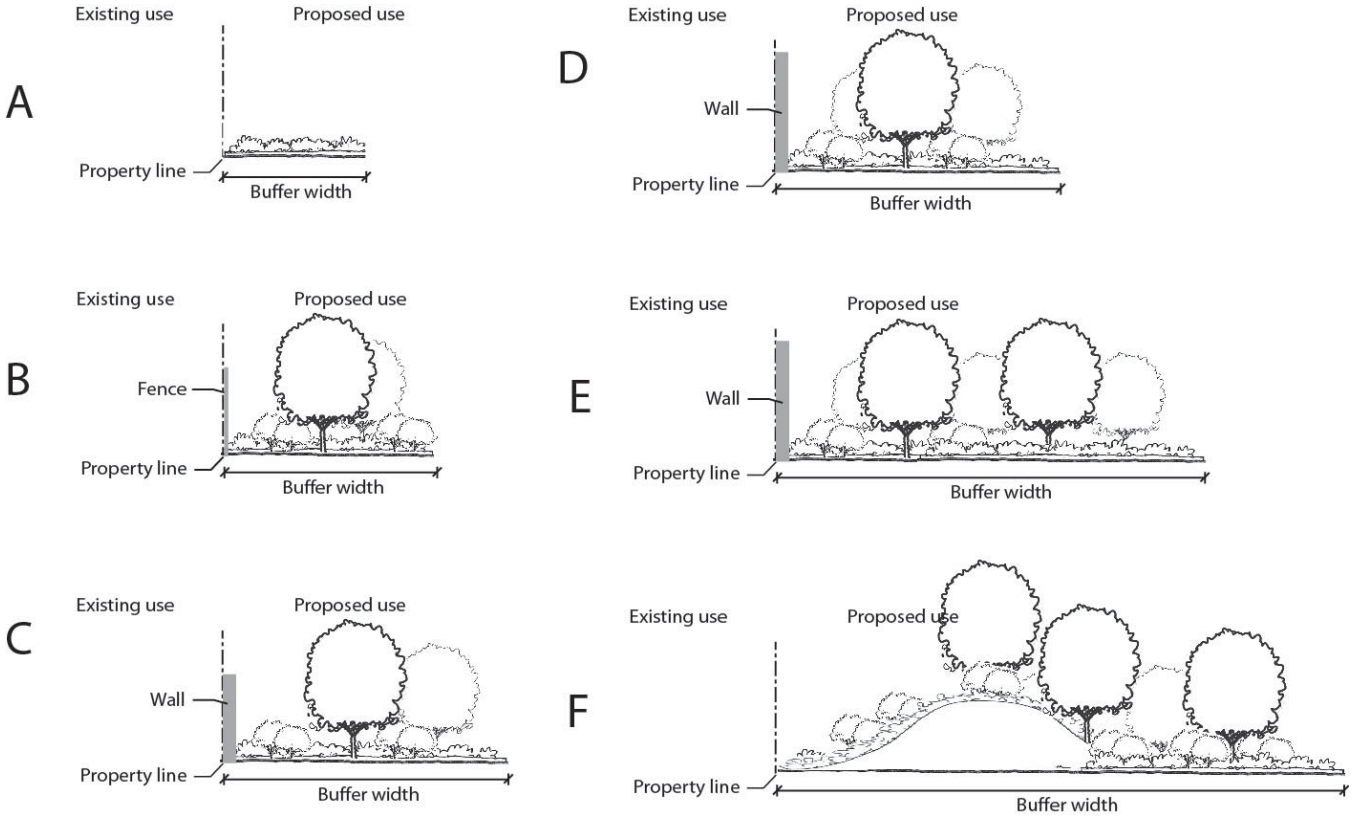
Table 9.0111(B)–Buffer Width, Landscape and Screening Requirements

(See Figure 9.0111 for buffer illustrations)

Landscaping Standard	Intent	Options	Minimum Buffer Width	Trees	Shrubs	Screening (continuous and site obscuring)
A general landscaping, smallest buffer width	The A standard is applicable where distance is the primary means of buffering. Ground cover is required. Trees and shrubs are encouraged on a voluntary basis.	N/A	10 feet	none	None	None
B high screen, moderate buffer width	The B standard is a landscape treatment that provides physical separation and uses screening to ensure visual separation between uses or development. Physical and visual separation is required.	Option 1	15 feet	1 per 30 linear feet	40 shrubs per 100 linear foot of landscaped area	High shrubs to form a continuous screen a minimum of 6 feet high. (Shrubs must be evergreen); or A minimum 6-foot fence or wall
		Option 2	10 feet	1 per 15 linear feet	40 shrubs per 100 linear feet of landscaped area	A minimum 8-foot fence or masonry wall
C high screen, large buffer width	The C standard is a landscape treatment that provides more physical separation than in the B landscape standard and uses enhanced screening to visual separation. Reduced noise transmission is desired at the ground-floor level.	Option 1	20 feet	1 per 25 linear feet	50 shrubs per 100 linear feet of landscaped area	Attached dwellings on a single lot: a minimum 6-foot fence Other uses: A minimum 6-foot masonry wall
		Option 2	15 feet	1 per 15 linear feet	50 shrubs per 100 linear feet of landscaped area	Attached dwellings on a single lot: a minimum 6-foot masonry wall Other uses: a minimum 8-foot masonry wall

Landscaping Standard	Intent	Options	Minimum Buffer Width	Trees	Shrubs	Screening (continuous and site obscuring)
D high wall, large buffer width	The D standard is a landscape treatment that provides more physical separation than in the B landscape standard. Physical separation is important because the uses involved have more outdoor and noise-producing elements. The D standard also has enhanced screening. Reduced noise transmission is desired at the ground-floor level and is even more important than in the C standard because of the potential for noise-producing activities.	N/A	20 feet	1 per 25 linear feet	50 shrubs per 100 linear feet of landscaped area	A minimum 8-foot masonry wall
E high wall and larger buffer width	The E standard is a landscape treatment that provides enhanced physical separation in addition to that provided by the C and D standards because of the potential effects of industrial uses. The E standard requires extensive visual screening and reduction of noise transmission at the ground level is required.	N/A	30 feet	1 per 15 linear feet	60 shrubs per 100 linear feet of landscaped area	A minimum 8-foot masonry wall
F high berm and maximum buffer width	The F standard is intended to be used in special instances where the largest physical separation is needed and the most extensive screening of both visual impacts and reduction of noise transmission is needed to protect abutting sensitive uses.	N/A	40 feet	1 per 15 linear feet (trees may be placed on berm)	90 shrubs per 100 linear feet of landscaped area (shrubs may be placed on berm)	A minimum 6-foot berm For berms less than 8 feet, shrubs, trees or a combination of the two landscape elements must be planted at or near the top to ensure the overall 8-foot screen height

Figure 9.0111Buffer Width, Landscape and Screening illustrations



SECTION 9.0200
CLEAR VISION AREA

General

9.0201 Street and Railroad Clear Vision Area

9.0202 Driveway Clear Vision Area

General

9.0201 Street and Railroad Clear Vision Area

A. A clear-vision area shall be maintained on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between height of 3 feet and 10 feet above the center line grades of the intersecting streets or railroad shall be located within the clear vision area. No driveway or parking area shall be located in an intersection clear vision area.

B. The preceding provisions shall not apply to the following:

1. A public utility pole;

2. A tree trimmed (to the trunk) to a line at least 8 feet above the level of the intersection;

3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view;

4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective;

5. An official warning sign or signal and;

6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

7. A sign support structure(s) if combined total width is 12 inches or less, and the combined total depth is 12 inches or less.

C. The clear vision area requirement shall be waived in the Downtown Plan District, Civic Neighborhood Plan District and Rockwood Town Center land use district if the applicant requests the waiver and the applicant can demonstrate that sightlines meet American Association of State Highway and Transportation Officials engineering guidelines without applying a clear vision area on private property.

D. A clear-vision area shall consist of a triangular area two sides of which are lot lines for a distance specified in this Section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish the clear-vision areas.

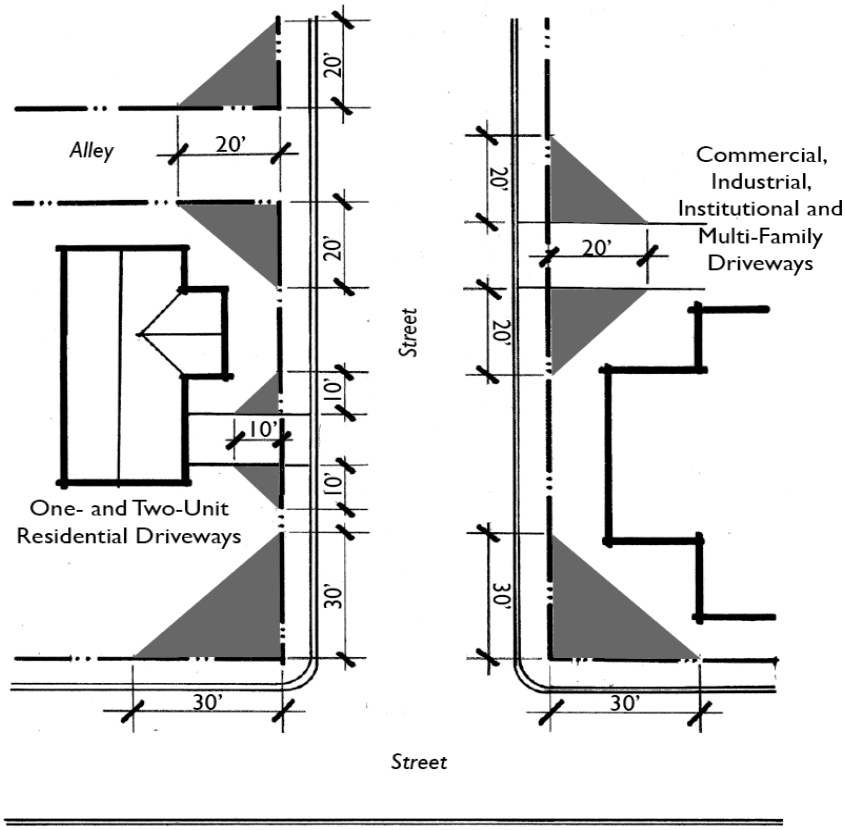
Functional Street Classification	Measurement Along Each Lot Line
(a) All Streets except Alleys	30 feet
(b) Alley	10 feet
(c) At the intersection of a Street and Alley	20 feet

9.0202 Driveway Clear Vision Area

A. Commercial, Industrial, Three or more Attached Dwellings and Institutional Developments. Service drives to public streets shall have a minimum clear-vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection. No fence, wall, landscaping, sign, structure or parked vehicle that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear vision area. No off-street parking area shall be located in a driveway clear vision area.

B. One-and Two- Unit Residential Developments. Driveways to public streets shall have a minimum clear vision area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points 10 feet from their intersection. No fence, wall, landscaping, sign or other structure that would impede visibility between a height of 3 feet to 10 feet above the center line grade of the intersecting street shall be located within the clear vision area. No off-street parking area shall be located in a driveway clear vision area.

Figure 9.0202



SECTION 9.0300
EASEMENTS

General

9.0301 General Utility Easements
9.0302 Pedestrian/Bicycle Accessway Easements
9.0303 Conservation Easement
9.0304 Open Space Easements
9.0305 Utility Easements Owned by the Public
9.0306 Public Trail Easements
9.0307 Private Easements
9.0308 Public Access Easement

General

9.0301 General Utility Easements

A 6-foot wide general utility easement shall be provided along all lot lines abutting public rights-of-way and along the rear lot line when abutting an alley in the LDR-5, LDR-7, TLDR and TR Districts. Design, dimensioning, and use of general utility easements shall be in accordance with Public Works Standards. All easement documents and plat language relating to general utility easements shall be substantially in the form provided by the City and furnished to the City for review and approval prior to recording. All applicable recording fees shall be the responsibility of the developer and the City shall record the easements.

9.0302 Pedestrian/Bicycle Accessway Easements

In order to facilitate pedestrian and bicycle access from streets or lots to schools, parks or other nearby streets, the approval authority may require perpetual unobstructed pedestrian/bicycle accessway easements. Improvements within pedestrian/bicycle accessway easements shall be as described in **Section A5.508**.

9.0303 Conservation Easement

The Manager may require a perpetual unobstructed easement so that the natural vegetative cover is not disturbed where such disturbance could cause damage to the public right-of-way or adjacent property.

9.0304 Open Space Easements

The approval authority may require a perpetual open space easement over areas of the Floodplain or Hillside Physical Constraint Overlay Districts, areas of unique natural condition, or Greenway System retained in private ownership.

9.0305 Utility Easements Owned by the Public

When topography or other conditions make impractical the location of drainage facilities, sanitary sewers or water lines within the street right-of-way, an unobstructed easement shall be provided across the property with satisfactory access to the street. These easements shall comply with **Section A5.005**.

9.0306 Public Trail Easements

If a development permit involves a parcel which is designated as the location of a portion of a public trail system, as shown in the 1996 Gresham Trails Master Plan, the 2009 Gresham Parks & Recreation, Trails and Natural Areas Master Plan or other similar adopted City plan, the City will encourage the owner to grant to the City an easement for that specific use, consistent with the requirements of **Section A5.509**.

9.0307 Private Easements

When a Land Division or Lot Line Adjustment creates a property line configuration whereby an existing or future access or utility will encroach on a lot other than the one it serves, an easement shall be granted over the access or utility as a condition of approval of the development permit. If the subject lots are under the same ownership, an agreement shall be executed, as a condition of approval of the development permit, requiring creation of an easement upon the sale of any of the lots.

9.0308 Public Access Easement

The approval authority may require a public access easement for sidewalks, paths and trails which are required for access and connectivity. Improvements within the easement shall be consistent with the Public Works Standards.

SECTION 9.0400
FENCING

General

9.0401 General Provisions

Specific Fencing Requirements

9.0410 Fencing of Lots

9.0411 Fencing of Hazardous Areas

General

9.0401 General Provisions

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence which is, or has become dangerous to the public safety, health, or welfare shall be considered a violation of this Ordinance. Link fencing shall be constructed in such a manner that no barbed ends shall be at the top. Electric fencing is prohibited except as noted in GRC 7.15.040(7)(d). Barbed or razor wire fencing shall only be permitted when it is demonstrated to the satisfaction of the Manager, that:

A. The barbed wire fencing is necessary for enclosing livestock in any land use district.

B. The barbed or razor wire fencing is proposed to provide added security for a non-residential use. When such wire fencing is proposed, it shall only be used above either a standard fence or wall which has a minimum height of 5 feet.

Specific Fencing Requirements

9.0410 Fencing of Lots

A. For fencing in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24 and for fencing for detached single-family dwellings, attached single-family dwellings, and duplexes in Pleasant Valley and Springwater Plan Districts the following standards apply:

1. Fencing shall not exceed 6 feet in height when measured from grade unless:

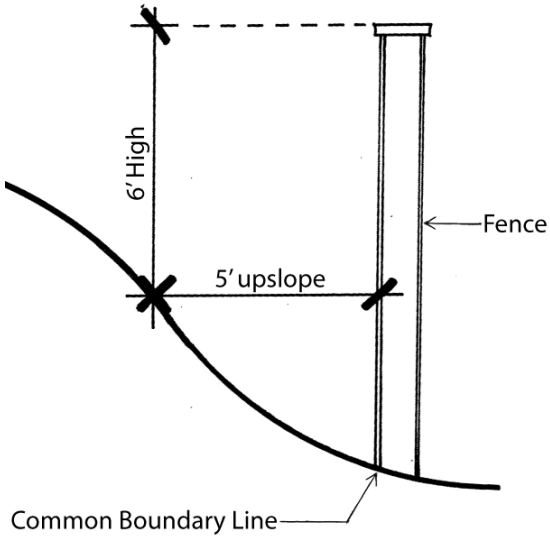
a. It is provided for in the Buffering and Screening requirements of **Section 9.0100**; or

b. There is a grade difference between two sites which would make a 6 foot high fence inadequate to provide for privacy. Such fence shall be no higher than 6 feet above the highest grade within 5 feet of the common boundary line (see **Figure 9.0410**); or

c. To provide added security for a non-residential use.

2. The maximum height of a fence forward (nearer the front lot line) of the minimum front yard setback shall be 4 feet.

Figure 9.0410 Fence heights with a grade difference



B. In the Pleasant Valley and Springwater Plan Districts for detached single-family dwellings, attached single-family dwellings, and duplexes, the maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight-obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.

C. All fencing shall not conflict with the requirements of the Clear Vision Area (refer to **Section 9.0200**).

D. The following standards apply to fences in the LDR-5, LDR-7, TLDR and TR Districts:

1. For new residential subdivisions and partitions, fences a minimum of 6 feet in height shall be installed on rear or side yards facing streets of higher classification than a local street (such as collector and arterial) and shall be of a consistent, uniform appearance for the entire length of the subdivision or partition and built to the following standards:

a. Materials. The fence shall be constructed of:

i. Stone, brick, stone-look cast masonry, brick-look cast masonry or stucco with an anti-graffiti sealant. These may be integral or applied as a veneer over a concrete block core. Synthetic stucco and exterior insulation finished systems are not allowed; or

ii. Vinyl panels mounted on vertical columns and a base made of the materials in (i) above. The base shall be at least 16 and not more than 20 inches tall; or

iii. Other high-quality materials proposed by the applicant and approved by the Manager. The materials shall be durable and long-lasting, such as tubular steel, architectural concrete masonry units, or ornamental/wrought iron, or materials allowed in (i) and (ii) above**.** Link fencing such as chain link fencing; wood fencing; and plain and split-face concrete masonry units are prohibited.

b. Columns. Vertical columns shall be integrated into the fence and shall:

i. Be at least14 inches wide; and

ii. Set at regular intervals no more than 20 feet apart on center; and

iii. Project at least 3 inches from the face of the wall; and

iv. Include caps no greater than 6 inches in height; and;

v. Be constructed of a different material than the fence.

c. Safety. Fences shall not contain jogs and angles exceeding 8 inches in depth that create potential hiding places. Jogs are allowed to avoid obstacles such as utility poles, communications service equipment, fire hydrants and existing trees. Fences also should comply with the clear vision area provisions of **Section 9.0200**. Adjustments in fence locations may be required to meet fire code standards, such as standards for clearance around fire hydrants.

d. Fence placement and landscaping: A landscape area shall be required between the sidewalk and the required fence, according to the following standards:

i. In locations where a landscape strip at least 36 inches from curb to sidewalk exists, the fence shall be at least 4 feet from the sidewalk or at the property line, whichever is farther from the sidewalk, to allow for landscaping. The 4-foot area shall be planted with ground cover, dwarf shrubs, perennials or non-invasive, vining plants and maintained by the property owner. Turf grass is prohibited in the landscaped area.

ii. In locations where no landscape strip exists between the sidewalk and curb or the landscape strip is less than 36 inches from curb to sidewalk, the fence shall be at least 8 feet from the sidewalk or at the property line, whichever is farther from the sidewalk, to allow for landscaping and street trees. The 8-foot landscaped area shall be planted with required street trees, shrubs, dwarf shrubs, perennials, ground cover, or non-invasive, vining plants and maintained by the property owner. With the exception of dwarf shrubs such as boxwood, shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1-gallon size at planting.

iii. Fences and walls shall line up with and meet end-to-end with fences or walls on adjacent properties that meet these standards for fence location, although exceptions may be approved by the Manager to address site conditions such as existing trees, utilities, fire hydrants and similar obstructions.

iv. If the required fence is not sight-obscuring, the construction of other fences on the site within 15 feet of the fence on a rear lot line and 10 feet of the fence on a side lot line is prohibited. The intent is to prevent doubling-up of fences that is visible from the right of way.

e. Timing. Fences shall be completed by the applicant prior to the City's acceptance of public infrastructure or issuance of building permits for structures on the lots (other than any required permits for the fence).

f. Fences or walls shall be constructed such that the finished side of the fence faces the public right-of-way and any structural components (metal brackets, etc.) are positioned on the house side and away from the street side.

g. Slopes. Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain, unless otherwise approved by the Manager.

h. Decorative or entrance features such as gates, arbors and trellises are allowed along fences subject to the following standards:

i. Maximum height: 9 feet; and

ii. Maximum width: 6 feet; and

iii. Maximum depth: 3 feet; and

iv. Each surface of the arbor or trellis shall be at least 50 percent open.

i. Stormwater drainage holes are allowed on the required fence as needed to facilitate drainage.

9.0411 Fencing of Hazardous Areas

An applicant for a development permit shall be required to furnish and install fencing wherever the approval authority determines that a hazardous condition may exist. The fencing shall be installed according to standards established by the Manager. No occupancy permit shall be issued until said fencing has been installed.

SECTION 9.0500 GRADING AND DRAINAGE AND STORMWATER QUALITY CONTROL REQUIREMENTS

General

9.0501 Purpose

9.0502 Grading and Drainage Plans and Specifications

9.0503 Required Information for Grading and Drainage Plans and Specifications

9.0504 Soil Engineering Report

9.0505 Site Hydrology Report

9.0506 Guarantees for Grading and Drainage

Design Requirements

9.0510 Design Guidelines for Grading and Drainage Improvements

9.0511 Cuts

9.0512 Fills

9.0513 Required Drainage Facilities

9.0514 Erosion Prevention and Sediment Control Measures During Construction

9.0515 Establishing Protective Vegetative Cover Upon Completion of Final Grading

9.0516 Certification of Compliance upon Completion of the Project

Stormwater Quality Control Requirements

9.0520 Applicability

9.0521 Data Requirements

9.0522 Sites Where it is Infeasible to Install On-Site Stormwater Quality Facilities

9.0523 Maintenance and Inspection of Private Stormwater Quality Facilities

General Submittal Requirements

9.0501 Purpose

This section of the Community Development Code specifies requirements for grading and drainage, erosion control and stormwater quality control.

9.0502 Grading and Drainage Plans and Specifications

A. Unless otherwise specified in this document, Appendix Chapter 33 of the current edition of the Building Code shall apply for all grading and drainage construction on private property.

B. When the pre-application conference indicates the applicant's proposal involves erosion and/or runoff problems, or if the subject property is hilly or partially within the Hillside Physical Constraint Overlay District, the Manager may require supporting data to include a soils engineering report and hydrology report. An engineering geology report shall be required if the proposed development is within the Hillside Physical Constraint Overlay District. An approved

grading and drainage plan shall be required prior to start of construction, or final plat approval, for all land divisions.

9.0503 Required Information for Grading and Drainage Plans and Specifications

When required under the Community Development Code for the issuance of a development permit, an application for a grading and drainage plan approval shall be accompanied by four sets of grading and drainage plans, specifications and supporting data.

A. The general location of the work to be shown on a vicinity map.

B. The name and address of the owner/developer and the professional civil engineer who prepared the plans. The tax lot description for the subject site shall also be included.

C. Property limits and contours (two foot intervals for slopes of less than 15% and 10-foot intervals for slopes exceeding 15%) of the existing ground and details of terrain and area drainage.

All existing contour lines shall extend a minimum of 100 feet beyond the property boundaries.

D. The plan shall also indicate, when applicable, all existing wetlands, bogs, and marshes; existing natural streams, intermittent and permanent; areas of erosion potential; areas of stability hazard; excessively steep slopes (15% to 35% and 35% and greater); flood prone areas and designated floodplains, showing elevations of the 100 year floodplain and poorly drained areas; and areas previously used as a land fill.

E. Street improvements and existing and proposed public storm sewer facilities. Proposed private drainage facilities and their easements shall also be shown.

F. Finished contours to be achieved by the grading along with the proposed drainage facilities and related construction. Finished contours will indicate necessary grading for street and sidewalk improvements. Plans shall include details of all subsurface and surface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work.

G. Location of any existing building or structures on the property and the location of any buildings or structures on land adjacent to the property which are within 15 feet of any area affected by the proposed grading operations.

H. Specifications shall contain information covering construction and material requirements; describing, but not limited to, soil compaction requirements, measures to mitigate soil erosion along with the background computations made for the sizing of drainage facilities. The specifications shall describe the maintenance responsibilities for any private storm sewer systems. The specifications shall describe any proposed phasing of the project, indicating estimated start and completion dates for each phase.

9.0504 Soil Engineering Report

Any soil engineering report which may be required under **Section 9.0502**, Grading and Drainage Plans and Specifications, shall include:

A. data regarding the nature, distribution, strength and erodibility of existing soils;

B. conclusions and recommendations for grading procedures and design criteria for corrective measures where necessary;

C. opinions and recommendations covering adequacy of site to be developed by the proposed grading; and

D. for sites where infiltration will be utilized, the results of soil testing methods as specified in Section 2.0046 of the Public Works Standards.

The soil engineering report will include suggestions concerning erosion control of the project site during construction as well as upon completion.

9.0505 Site Hydrology Report

Any site hydrology report which may be required under **Section 9.0502** shall include the following:

A. A map and calculations showing the drainage area and estimated run-off of the area being served by any drainage facility within the proposed grading and drainage plan.

B. Indication of the undeveloped peak discharge rate of surface water currently entering and leaving the subject property due to the design storm(s) as set forth in the Public Works Design Standards and/or as required by the conditions of approval for the project.

C. Indication of developed peak discharge rate of run-off which will be generated from the subject property due to the design storm(s) as set forth in the Public Works Design Standards and/or as required by the conditions of approval for the project;

D. Determination of the developed peak discharge of water that will be generated by the design storm at various sub-basins on the subject property; and

E. A discussion of the drainage management facilities and/or techniques which may be necessary to rectify drainage problems.

F. Data reported pursuant to **subsections (A)** through **(D)** of this section shall be provided in an electronic format acceptable to the Manager unless the Manager approves another form of submittal.

9.0506 Guarantees for Grading and Drainage

The Manager shall require a Guarantee of Completion equal to 110% of the estimated cost of:

A. Meeting the grading and drainage requirements to ensure that the work is completed in accordance with approved plans and specifications and to correct or eliminate any hazardous conditions.

B. Meeting the erosion prevention and sediment control measures to ensure that such measures are installed and maintained, including replacement and repair as needed, as required by the EPSC Manual and to correct or eliminate any conditions created because of the erosion or sediment from the site.

C. The construction cost of stormwater quality facilities required by **Section 9.0520** et. seq.

D. The Manager may require a warranty guarantee in an amount deemed necessary to ensure that any failure of grading and drainage, erosion control or stormwater quality facilities are repaired. The warranty guarantee shall be in effect from the date of acceptance of privately financed public improvements for a period of two years.

Design Requirements

9.0510 Design Guidelines for Grading and Drainage Improvements

Plans and specifications for grading and drainage improvements will include provisions for the following improvements and/or grading operations as deemed appropriate by the Manager for the subject site.

9.0511 Cuts

Cuts shall not exceed in steepness a 2:1 (horizontal to vertical) ratio unless approved by the Manager. The Manager may approve cut slopes up to a 1-1/2:1 maximum ratio if the increase in slope will result in reducing the disturbance of the natural terrain. All cuts exceeding a 2:1 ratio shall be certified by a professional engineer to have a soil type having an appropriate nature, distribution and strength to maintain the proposed slope.

9.0512 Fills

Fills shall not exceed in steepness a 2:1 (horizontal to vertical) ratio. All fills, upon completion of the project shall be certified by a professional engineer to be adequately compacted for the intended use. If the intended use is open space, appropriate easements will be recorded with the title records of Multnomah County, with a duplicate copy being kept on file with the City of Gresham.

A. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil and other unsuitable materials; scarify to provide a bond with new fill and where slopes are steeper than 15% and the high is greater than 5 feet, by benching into a competent material as determined by the soils engineering report and approved by the Manager.

B. Structural Fill Material - Detrimental amounts of organic material shall not be permitted in structural fills. Burial of tree stumps will not be allowed on any site other than an approved solid waste disposal site. No rock or similar material greater than 12 inches in diameter shall be placed in a structural fill. The Manager may permit placement of larger rock if the soils engineer report devises a method to continuously inspect placement and certify stability of rock disposal areas having no overlapping with physical improvements, and is a minimum of 5 feet below grade measured vertically.

C. Structural Fill Compaction - Structural fill will be compacted to a minimum of 90% of maximum density as determined by Building Code. The soils engineer shall certify all structural fills as meeting minimum bearing capacity for the intended use.

D. Non-Structural Fills - Stripping materials and landscape berms, will be compacted by reasonable mechanical means, if greater than 3 feet in depth.

9.0513 Required Drainage Facilities

A. All roof and foundations drains shall be discharged to either curb face outlets (if minor quantity), to a public or approved private storm drain, or to a natural acceptable drainageway if adjacent to the lot.

B. All private stormlines, roof and foundation drains which discharge to a creek system shall utilize infiltration systems to the maximum extent possible.

C. Private storm drainlines will be required to convey any concentration of run-off across adjoining properties so as to reach an acceptable drainage facility. Private drainage easements shall be established on the deeds or on the recorded plat face of the parcels involved with any required private drainage easements.

D. Subsurface drainage facilities may be required in areas of fill if it is so determined by the geologist or soils engineer that there will exist a groundwater situation that could cause stabilization problems. Any subsurface natural spring or field tile shall be piped to an approved drainage facility.

E. Any development that is down grade from an undeveloped parcel of ground shall intercept and divert the storm water run-off to an approved storm drainage facility. The diversion ditch may not exceed a 5% slope, unless improved with an acceptable erosion control method as determined by the Manager. In addition to the diversion ditch an interceptor pipe may be required. If the cutoff ditch and interceptor pipe is located on public open space, an easement for maintenance purposes will be established for those properties' benefited by the facility.

F. All drainage provisions shall be subject to the approval of the Manager and shall be of such design as to carry storm and surface waters to the nearest practical street, storm drain or natural water course, approved by the Manager as a safe place to deposit and receive such waters. Adequate provisions shall be made to prevent any storm or surface waters from damaging the face of an excavation, the sloping face of a fill, any natural slope, or any natural or manmade drainageway.

G. Maintenance, repair, replacement and liability from damages due to failure of private drainage systems shall be the responsibility of the customer. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to City approval. Private water quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance. In addition, the customer shall enter into a maintenance agreement with the City to ensure continued maintenance.

9.0514 Erosion Prevention and Sediment Control Measures During Construction

Unless otherwise approved, the following standards are adopted as minimum requirements for the purposes of minimizing or preventing erosion. The final program for soil stabilization may vary as site conditions and development warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant for a development permit is ultimately responsible for containing all soil on the project site and must recognize the potential for changing or unexpected site and weather conditions. The applicant for a development permit or, in the case of a land division, before the Notice to Proceed is issued, shall submit an erosion prevention and sediment control plan as part of their application utilizing appropriate best management practices (BMPs), per the Erosion Prevention and Sediment Control Manual (EPSC Manual). If necessary to meet the intent of this section, the applicant shall update or modify the erosion prevention and sediment control measures, per the EPSC Manual, as such conditions render existing measures ineffective.

A. The plans and specifications will demonstrate the minimization of stripping vegetation on the project site.

B. If top soil is to remain stockpiled during wet weather, seeding, mulching or other stabilization measures are required.

C. All areas which will, by necessity, be left bare after October 1 shall be seeded and mulched to a cover crop (e.g., cereal rye, annual rye grass, perennial rye grass). Mulching and mulching with landscaping may be a viable alternative to seeding. Seed and mulch shall be applied with a tackifier in areas in excess of 10% slope. If, by the date set forth in the EPSC Manual, seeding has not established itself to the point of being an effective erosion control measure, additional measures may be required. Regular inspection and maintenance, as necessary, is required to maintain the effectiveness of the erosion prevention and sediment control measures.

D. Means shall be devised to prevent sediment laden water from entering the public storm sewer system or natural watercourses. Use of approved filtration measures to prevent sediment transport from the site will be required.

E. In areas of concentrated flow, temporary diversion berms, chutes or downpipes and down drains sized for a two-year storm may be required for projects left incomplete during the winter months. Temporary check dams may be required for channels carrying sufficient amounts of water to cause channel scouring and erosion.

F. Temporary check dams may be required for channels carrying sufficient amounts of water to cause channel scouring and erosion.

G. All erosion prevention and sediment control measures shall be maintained, including replacement and repair as needed, as required by the EPSC Manual.

9.0515 Establishing Protective Vegetative Cover Upon Completion of Final Grading

A. Vegetation is to be established as soon as practicable after completion of grading to minimize erosion. Prior to final project acceptance, the site shall be permanently stabilized with seed and mulch, or permanent landscaping. Seed and mulch shall be applied with a tackifier in areas in excess of 10% slope. In cases of a land division, temporary groundcover will be accepted on each lot where home construction will begin within 30 days of project completion.

B. All swales and channels shall be permanently stabilized prior to use as specified in the EPSC Manual.

C. Erosion control measures shall be continued after construction until the vegetative ground cover for the site is established and functioning such that erosion has ceased.

D. The developer will be responsible for all erosion prevention and sediment control for individual lots until ownership has changed.

E. In cases with developments with 1200-C permits, the developer is responsible for erosion prevention and sediment control until the 1200-C permit is terminated by the state.

F. Temporary sediment control measures shall be removed by the developer when permanent stabilization or landscaping has been installed and is functioning.

9.0516 Certification of Compliance upon Completion of the Project

A registered professional civil engineer in the State of Oregon shall be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the project. The grading contractor shall submit, in a form prescribed by the Manager, a statement of compliance to said as-built plans. The project professional engineer shall certify all areas of compaction as meeting the minimum standards for the intended use.

Stormwater Quality Control Requirements

9.0520 Applicability

The requirements of this section apply to all development, with the following exceptions:

A. Development that will add or replace less than 1,000 square feet of impervious area.

B. Sites where it is infeasible to install on-site stormwater quality facilities (see **Section 9.0522**).

C. Developments where the City has identified an existing public stormwater quality facility that satisfies the requirements of the Water Quality Manual prior to discharge to a stream or wetland.

9.0521 Data Requirements

All applications for development permits except those specified in **Section 9.0520** shall provide sufficient information for the Manager to evaluate the applicant's intent to include on-site stormwater quality controls in order to reduce or eliminate the discharge of sediments and other stormwater pollutants to the storm sewer or natural drainage channel (e.g., stream). The applicant for a development permit shall submit a stormwater quality control plan as part of their application utilizing appropriate best management practices (BMPs), per the Water Quality Manual.

9.0522 Sites Where it is Infeasible to Install On-Site Stormwater Quality Facilities

The Manager may determine that on-site control is not feasible based on limiting physical site constraints. In such cases, the Manager may establish payment of in-lieu-of fees that would be used by the City to complete regional stormwater quality control facilities. In-lieu-of fees must be based on estimated capital cost for typical on-site systems.

9.0523 Maintenance and Inspection of Private Stormwater Quality Facilities

Maintenance of private stormwater quality systems shall be the responsibility of the owner. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to the City approval. Maintenance requirements shall be specified in an approved maintenance plan at the time of project acceptance. Customer shall enter into a maintenance agreement with the City to ensure the implementation of the maintenance plan. Private stormwater quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance.

SECTION 9.0600
HEIGHT TRANSITION

General

9.0601 Purpose

9.0602 Applicability

Standards

9.0610 Height Transition Standards

General

9.0601 Purpose

To reduce the visual and solar impact of the height of new buildings on residential buildings located on adjoining lots.

9.0602 Applicability

The following standards apply to buildings to be built on lots in the following districts:

- Corridor Districts: Community Commercial, Moderate Commercial, Station Center, Station Center Ruby Junction Overlay, Rockwood Town Center, Corridor Multi-Family and Corridor Mixed Use
- Moderate Density Residential-12
- Moderate Density Residential-24
- Office/Residential
- Commercial Districts: Neighborhood Commercial
- Industrial: General Industrial, Heavy Industrial
- Downtown Plan Districts

When they abut the following land-use districts:

- Low-Density Residential-5
- Low-Density Residential-7
- Transit Low-Density Residential
- Transitional Residential

These standards do not apply in the Civic Neighborhood, Springwater and Pleasant Valley plan districts. Refer to those sections for height and height transition information. These standards also do not apply to single-family detached dwellings and duplexes.

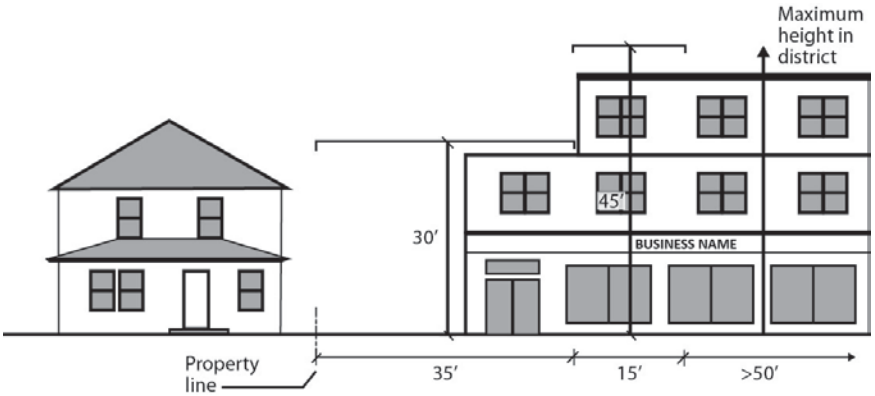
Standards

9.0610 Height Transition Standards

A. On the applicable lots (see **Figure 9.0610(A)**):

1. On the portion of the site less than or equal to 35 feet from the lot line of a lot zoned LDR-5, LDR-7, TR or TLDR, the maximum building height shall be 30 feet.
2. On the portion of the site more than 35 feet but less than or equal to 50 feet from the lot line of a lot zoned LDR-5, LDR-7, TR or TLDR, the maximum building height shall be 45 feet.

Figure 9.0610(A) Height transition



SECTION 9.0700
NEIGHBORHOOD CIRCULATION AND FUTURE STREET PLANS

General

9.0701 Purpose

9.0702 Applicability

Review and Approvals

9.0710 Approval Criteria

9.0711 Filing a Future Street Plan

9.0712 Compliance with or Revision to Future Street Plans

Future Street Plans for Plan Districts

9.0720 Downtown Future Street Plan

9.0721 Civic Neighborhood Future Street Plan

Central Rockwood Future Street Plan

9.0730 Purpose

9.0731 Future Street Designation on a Development Site

9.0732 Requirements of Traffic Analysis

9.0733 Dedication of a Future Street

9.0734 Reserving Site Area for Future Street

City Initiated Future Street Plans

9.0740 City Initiated Future Street Plans

General

9.0701 Purpose

Neighborhood Circulation and Future Street Plans (referred to as Circulation Plans) provide a guide for transportation circulation to the developing site and in the immediate area. Many areas of the city do not have a plan for how local streets will be extended in the future to provide access to undeveloped properties and provide for traffic circulation. In planning the future extension of local streets, a conceptual alignment is designated, showing how streets will connect in the future and how access could be provided to other properties in the immediate area.

A. A neighborhood circulation plan is a plan that depicts the existing and proposed vehicular/bicycle/pedestrian transportation systems, including streets, bike lanes, sidewalks, bicycle/pedestrian paths, and destination points.

B. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

9.0702 Applicability

A. The requirements of this section shall apply as follows:

1. To all Type II and Type III tentative partition and subdivision plans.

2. To all design reviews, level D.

3. To design reviews, level C at the discretion of the Manager.

4. To uses subject to Special Use Review, except for basic utilities.

B. An applicant is required to submit a future street plan as part of an application for development except when the applicant demonstrates to the satisfaction of the Manager one of the following:

1. An existing street or a new proposed street need not continue beyond the land to be divided in order to complete or extend an appropriate street system or to provide access to adjacent parcels within 600 feet of the proposed development.

2. The proposed street layout is consistent with a street pattern adopted as part of the Community Development Code, or with an existing approved Future Street Plan.

3. The proposed street layout is consistent with an adopted Pleasant Valley master plan.

Review and Approvals

9.0710 Approval Criteria

In reviewing a proposed circulation plan, the approving authority shall find compliance with the relevant portions of the Community Development Code and the following:

A. A future street plan shall:

1. Adequately serve traffic with an origin in, and destination to, the area of the plan;

2. Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs within a district, sub-area, or neighborhood;

3. Provide multi-directional access and circulation to the street system and shall avoid maze-like and discontinuous street patterns; and,

4. Balance traffic distribution within an area, rather than concentrating traffic on a few streets.

B. All streets, alleys, and pedestrian-bicycle accessways must connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ Bicycle accessways may connect on one end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in **Section A5.402(E)**.

C. A neighborhood circulation system shall be designed to allow planned streets outside the development to extend to the existing street system in conformance with **Section A5.400**.

D. All future street extensions shall be planned to provide adjoining lands subject to this code provision to have access that will allow its development in accordance with this code.

E. Pedestrian accessways shall be provided as required under **Section A5.508**.

9.0711 Filing a Future Street Plan

Upon approval by the review authority, a Future Street Plan shall be made a matter of record by being recorded by the Manager on a future street index to be maintained by the Manager.

9.0712 Compliance with or Revision to Future Street Plans

New developments shall be consistent with adopted Future Street Plans and/or Pleasant Valley Master Plan. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. In the case where the development is within an adopted Pleasant Valley Master Plan, a revision shall only occur through an amendment to the Master Plan. A new future street plan or revision to an approved future street plan may be approved by the Manager under a Type II procedure when it is applied for concurrently with a land division or site plan review application. For the purposes of this section, concurrently means development permit applications are processed either in conjunction with another development permit application of the same review type at the same time or when two (2) development permits of different review types are processed at the same time. A revision to an approved future street plan may be reviewed by the Hearings Officer under a Type III procedure when it is applied for independent of any land development application.

An approved future street plan may be revised by the council in conjunction with a revision to the Community Development Code, under the Type IV procedure. All revisions to future street plans must comply with **Section 9.0710**.

Future Street Plans for Plan Districts

9.0720 Downtown Future Street Plan

A. The Downtown Plan District includes a future street plan, as shown on the Gresham Downtown Plan, contained in Volume 1 - Findings, of the Community Development Plan. This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. The future street plan as shown on the Gresham Downtown Plan shall be considered a conceptual plan, in that it does not establish precise alignments or construction details for any street.

B. When development is proposed for a site, and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the conceptual alignment of the future street as it would affect the site.

C. When a traffic analysis is required in connection with a development permit application and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, the traffic analysis shall include, in addition to addressing all elements specified in **Section A5.411**, an analysis of the extent to which the future street may be needed in order to maintain acceptable levels of service on existing streets following the proposed development, and to satisfy provisions of **Section A5.401**.

D. If the Manager finds that dedication of all or a portion of a future street, as shown on the Gresham Downtown Plan, is needed in order to maintain acceptable levels of service on existing streets following the proposed development, or to satisfy provisions of **Section A5.401**, the Manager may require dedication of all or a portion of the future street as a condition of development permit

approval. Any such required dedication shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development.

E. When development is proposed for a site, and a future street, as shown on the Gresham Downtown Plan, would abut or run through the site, but dedication of right-of-way for the future street is not required under **Subsection (D)** above, the Manager may require modification of the proposed site development plan as needed to reserve portions of the site for future street acquisition, as a condition of approval of a development permit. Such modification may include limiting any future street right-of-way portions of the site to non-building purposes, such as landscaping, or surface parking.

9.0721 Civic Neighborhood Future Street Plan

1. The Civic Neighborhood Plan District includes a future street plan, as shown on the Gresham Civic Neighborhood Plan, contained in Volume 1 - Findings, of the Community Development Plan. This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. Street rights-of-way shall be dedicated, and streets shall be constructed, in locations and alignments as shown on the Civic Neighborhood Plan map, except where adjustments are authorized under **Section 4.1244**.

2. When development is proposed for a site, and a future street, as shown on the Gresham Civic Neighborhood Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the alignment of the future street as it would affect the site. Street rights-of-way within and abutting the site shall be dedicated, and streets shall be constructed, as necessary to serve the proposed development and to conform with requirements of **Section A5.400**.

Central Rockwood Future Street Plan

9.0730 Purpose

The Central Rockwood Plan includes a future street plan, as shown in Volume 1 - Findings of the Community Development Plan (Appendix 39). This future street plan shall be distinct from future street plans created in connection with land divisions, or at the initiative of the Planning Commission. The future street plan as shown in the Central Rockwood Plan shall be considered a conceptual plan, in that it does not establish precise alignments or construction details for any street.

9.0731 Future Street Designation on a Development Site

When development is proposed for a site, and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, the site plan submitted with the development permit application shall indicate the conceptual alignment of the future street as it would affect the site.

9.0732 Requirements of Traffic Analysis

When a traffic analysis is required in connection with a development permit application and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, the traffic analysis shall include, in addition to addressing all elements specified in **Section A5.411**, an analysis of the extent to which the future street may be needed in order to maintain acceptable levels of service on existing streets following the proposed development, and to satisfy provisions of **Section A5.401**.

9.0733 Dedication of a Future Street

If the manager finds that dedication of all or a portion of a future street, as shown in the Central Rockwood Plan, is needed in order to maintain acceptable levels of service on existing streets following the proposed development, or to satisfy provisions of **Section A5.401**, the manager may require dedication of all or a portion of the future street as a condition of development permit approval. Any such required dedication shall be roughly proportional in nature and extent to the anticipated impacts of the proposed development.

9.0734 Reserving Site Area for Future Street

When development is proposed for a site, and a future street, as shown in the Central Rockwood Plan, would abut or run through the site, but dedication of right-of-way for the future street is not required under **Section 9.0733**, the manager may require modification of the proposed site development plan as needed to reserve portions of the site for future street acquisition, as a condition of approval of a development permit. Such modification may include limiting any future street right-of-way portions of the site to non-building purposes, such as landscaping, or surface parking.

City Initiated Future Street Plans

9.0740 City Initiated Future Street Plans

The Manager may initiate and the Hearings Officer may adopt a future street plan for an area where there is no proposal for a land division under the Type III procedure. A future street plan may be proposed, or an approved future street plan may be revised by the Council in conjunction with a revision to the Community Development Code, under the Type IV procedure. City initiated future street plans shall comply with **Section 9.0710**.

SECTION 9.0800
PARKING

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General

9.0801 Purpose

The purpose of the parking lot standards is to provide for safe vehicular parking and circulation supportive of a variety of uses in an increasingly pedestrian and transit oriented community.

9.0802 General Provisions

A. Unless otherwise specified, off-street parking and loading shall be provided for all development requiring a development permit. These areas shall be satisfactorily maintained by the owner of the property.

B. No Certificate of Occupancy shall be granted to any structure until the parking areas are completed and ready for use.

C. Required vehicle parking spaces shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting business.

D. Where off street parking is required, no building or structure shall be modified or enlarged without inclusion of additional motor vehicle and bicycle parking spaces in conformance with **Sections 9.0850** and **9.0851**. If the floor area of the enlargement exceeds 15% of the existing floor area, the site must comply with the applicable standards for all off-street loading spaces.

9.0803 Exceptions

By definition, parking lot design standards do not apply to detached dwellings, attached single-family dwellings, or duplexes on a unit by unit basis (see **Sections 9.0870 - 9.0872** for applicable standards). However, shared separate parking areas (such as a visitor or overflow parking lot) intended to serve a residential complex, a manufactured dwelling park, or a group of dwelling units (regardless of the type of units), must comply with the applicable standards of **Sections 9.0822** to **9.0825**.

Parking Lot Plan Submittal Requirements

9.0810 Submittal Requirements

This subsection applies to all developments that require a parking lot. The parking lot plan, drawn to scale, shall include, at a minimum, the following information:

A. Delineation of individual parking spaces, including the delineation of those parking spaces dedicated to ADA accessible vehicle use, compact vehicle use, or electric vehicle charging units.

B. Circulation area necessary to serve spaces.

C. Access to streets, alleys and properties to be served.

D. Curb cuts.

E. Type of landscaping, fencing or other screening materials.

F. Abutting land uses and driveways.

G. Grading, drainage, surfacing and sub-grading details.

H. Location of lighting fixtures.

I. Delineation of all structures and obstacles to circulation on the site.

J. Specifications of signs and bumper guards.

K. Pedestrian accessible walks and bicycle parking area.

L. Location and dimensions of any required loading berth.

General Design Standards for Surface Parking Lots

9.0820 General Location for Surface Parking Lots

All vehicle parking spaces shall be on the same lot as the main structure they serve or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approval authority may authorize the parking spaces to be on any lot within 1000 feet walking distance for the structure being served upon written findings of compliance with the following provisions:

A. There is a safe, direct, attractive, lighted and convenient pedestrian route between the vehicle parking area and the use being served;

B. There is an assurance in the form of deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards;

C. Loading spaces and vehicle maneuvering areas shall be located only on or abutting the property served; and

D. Land devoted to off-site vehicle parking facilities is computed as a portion of total land area when determining the minimum and maximum land use intensities in terms of commercial and business office uses, and the number of residential dwellings allowed.

9.0821 Parking Lot Location on Design Streets and in the Civic Neighborhood Plan District

A. Auto parking lots shall be located behind or beside buildings on one or both sides.

B. Auto parking and maneuvering areas (including any permitted drive-through service lanes) shall not be located between the street and the building facade with the primary entrance (abutting primary or secondary pedestrian street in the Civic Neighborhood).

C. Auto parking lots and maneuvering areas located to the side of a building cannot occupy more than 50% of the site's frontage onto a Design Street or a primary or secondary pedestrian street in the Civic Neighborhood. When a site in the Civic Neighborhood has frontage on both a primary and a secondary pedestrian street, an auto parking lot located to the side of a building may occupy more than 50% of the site's frontage on the secondary pedestrian street.

D. Wherever possible, auto parking lots and maneuvering areas on corner lots should not be located adjacent to intersections.

E. In the Civic neighborhood, if a multi-block development includes a block or blocks with frontage on a primary pedestrian streets and a block or block without frontage, no block that has frontage on the primary pedestrian street may be entirely occupied with parking.

F. Exemption. On sites of less than 10 acres with an average down-slope from the abutting Design Street in excess of 7%, parking may be located between the Design Street and a building or located adjacent to a Design Street intersection, provided that:

1. On-site pedestrian connections are made from the parking lot to all adjacent Design Streets in a direct as practical manner. Stairs may be required where curb ramps are impractical. Circuitous routes shall be avoided.

2. There is at least one direct accessible route, from the Design Street and to the primary building entrance, part of which may be located along an adjacent intersecting street.

3. If the sloped site is adjacent to another street that intersects a Design Street, then Design Street, Downtown Plan and Civic Neighborhood design standards that apply to Design Streets shall apply to the adjacent street instead of the Design Street.

4. On the adjacent street frontage, auto parking lots shall be located behind or beside buildings on one or both sides. Auto parking and maneuvering areas shall not be located between the building facade with the primary entrance and the adjacent street.

(For purposes of **subsection (F)**, the slope perpendicular to the street, shall be the average as measured at regular intervals between the transit street frontage. The average slope shall be measured between the street and the rear lot line, prior to any grading.)

9.0822 Surface Parking Lot Design

A. All parking areas shall meet the following minimum design standards. By definition, parking for detached, duplex, or single family attached dwellings are exempt from these requirements.

1. Surfacing and Striping. Areas used for parking and maneuvering of vehicles shall be paved with a minimum of 2 inch asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked and signed.

2. Curb Cuts/Access Points. Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. The number and location of the access points to public rights-of-way shall conform to the provisions of **Section A5.503**. Other designs (such as curb returns) for access points may be permitted by the Manager where justified by large traffic volumes using the access point, large truck movements, and other traffic safety concerns.

3. Driveways/Driveway Approach Width and Grade. Unless otherwise noted in **Section A5.503**, the maximum driveway approach width for commercial uses is 36 feet and for residential uses is 24 feet. See **9.0870(H)** for standards applicable to shared driveways.

4. Driveways/Drive Aisle Width.

- **a.** Driveways shall have a minimum paved width of 20 feet for two-way circulation and 12 feet for one way, unless otherwise specified in **9.0822(A)(4)(b)**.
- **b.** For residential developments with six units or fewer with access onto Local, Urban Residential, Urban Commercial and Green/Shared Streets, driveways shall have a minimum paved width of 12 feet if the lot depth does not exceed 150 feet, subject to requirements in the Oregon Fire Code. If the lot depth exceeds 150 feet, the paved width should comply with **9.0822(A)(4)(a)**.
- **c.** Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting lots.

5. Turnaround Areas. Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

6. Setback Restrictions for Parking Spaces and Drive Aisles. Except in the RTC, SC, CMF and CMU districts, vehicle parking areas, including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks for multi-dwelling structures containing three or more units, or commercial, industrial and institutional developments. Within the RTC, SC, CMF and CMU districts, parking areas may encroach only into required rear and side setbacks.

7. Cluster of Spaces. Clusters of auto parking spaces shall not exceed 50 spaces. Auto parking clusters shall be separated by landscaping as provided in **Section 9.0823(C)(5)(c)** or by buildings or building groups.

8. Connect Parking Lots. Auto parking areas shall be designed to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public rights-of-way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.

9. Minimum Clearance. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 12 feet for their entire length and width, but such clearance may be reduced in parking structures.

10. Drainage. Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property.

11. Clear Vision Area. See **Section 9.0200** for Driveway Clearance Vision Area Requirements. This provision does not apply in the Downtown or Civic Neighborhood Plan Districts.

12. Service and Loading Areas. Service and Loading areas shall not be located on the frontage of a light rail station or adjacent street, a transitway, a Design Street, or a primary or secondary pedestrian street.

B. DEQ Indirect Source Construction Permit

All parking areas which are designed to contain 250 or more parking spaces, or to contain two or more levels shall require review by the Oregon Department of Environmental Quality (DEQ) to:

1. Acquire an Indirect Source Construction Permit; and

2. Investigate the feasibility of installing oil and grease separators.

9.0823 Landscaping of Parking Lots

A. Purpose. In order to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and adjoining properties, all parking lots and maneuvering areas shall be landscaped. Adequately landscaped parking lots will reduce the area of impervious surfaces, reduce the level of carbon dioxide in areas of heavy vehicle use, return pure oxygen to the atmosphere, and provide shade as a means of altering the micro-climate of parking lots.

B. General Provisions

1. Efforts shall be made to keep existing non-hazardous and non-invasive trees and shrubs on the site unless the applicant can demonstrate there is a health or non-health reason for removal as listed in **Section 9.1034(D)(6) and (7)**.

2. All landscaped areas shall be irrigated with a permanent in-ground irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation.

3. The property owner is responsible for the establishment and maintenance of landscaping in accordance with the requirements of this section. Parking lot landscaping shall consist of large canopied (at maturity) deciduous trees, mid-sized shrubs, and ground cover.

a. A minimum of 70 percent of all landscaped parking areas, including required planting strips and planting islands, shall be covered with trees, shrubs, and continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.

b. The minimum planting size for trees shall be 2.0 inch caliper as measured by American Association of Nurseryman standards. Parking Lot trees shall be deciduous shade trees capable of at least 35 feet in height and spread at maturity.

c. Evergreen shrubs shall be at least 24 inches high at finished grade and a minimum of one gallon in size at the time of planting.

d. Ground cover shall be a minimum 4 inch pot, spaced at a minimum of 2 feet on center.

e. Evergreen shrubs shall be not less than 2 feet higher than finished grade, and at least one-gallon size at the time of planting. Evergreen shrubs must grow to be at least 36 inches higher than finished grade at the developed surface area.

C. Parking Lot Landscape Design

1. Parking Lot Entryway. Entryways into auto parking lots shall be bordered by a minimum 5 feet wide landscape planter strip with large-scale, high canopy trees 20 to 30 feet on center and low shrubs or a 2 feet high berm with groundcover.

2. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by a 5 foot planting bed of trees, shrubs and groundcover, or a pedestrian walkway subject to **Section 9.0824(F)**.

3. Landscaping/Screening Along a Public Right-of-Way. All public and private surface motor vehicle parking lots shall provide perimeter lot landscaping where parking, maneuvering or loading areas abut a public right-of-way (except alleys and accessways), according to the following requirement.

4. Perimeter Screening. In addition to required street trees, one of the following three types of auto parking perimeter screening shall be provided:

a. A planting strip. A planting strip in the required setback between the right-of-way and the parking area. The planting strip may be pierced by pedestrian accessible and vehicular accessways. Planting strips shall be planted with large-scale, high-canopy, horizontally-branching street tree species and an evergreen hedge. Hedge is to be low level, between 30 and 42 inches in height, or

b. A decorative wall or evergreen hedge screen of 30 to 42 inches in height shall be established parallel to and not nearer than 2 feet from the right-of-way line. The area between the wall or hedge and street line shall be landscaped. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians, or

c. Planting strip landscape requirements in addition, may be achieved by a combination of berms, lowering of grade and plants. Slopes of landscaped berms shall not exceed 1:4 for lawn areas, or 1:2 for berms planted with groundcover and shrubs.

Visual breaks, no more than 5 feet in width, shall be provided every 30 feet within evergreen hedges abutting public right-of-ways.

Shrubs, when used as parking perimeter screens, shall, at the time of planting, be of a size that will achieve the desired screening height of 30 inches within 12 months.

5. Interior Parking Lot Landscaping. In addition to parking lot perimeter landscaping, surface parking lots shall include landscaping to cover not less than ten (10%) of the parking/maneuvering area, including:

a. A minimum average of 1 tree per 9 parking spaces.

b. Evergreen ground cover shall cover planting areas not covered by shrubs or trees.

c. Where required to separate auto parking clusters, interior landscape strips provided between rows of parking shall be a minimum of 5 feet in width to accommodate pedestrian walkways, shrubbery, ground cover, and large-scale, high canopy shade trees placed 20 to 30 feet on center.

d. A planting bay shall be located at the end of each parking row and at intervals within the parking rows. Planting bays shall have a minimum width of 9 feet wide to allow doors to open without damage and a minimum of 180 square feet. Each bay shall be curbed and provide one shade tree having a clear trunk height of at least nine feet when mature.

e. Angled or perpendicular parking spaces shall provide extruded curbs (bumper stop) or widened curbs to prevent bumper overhang into interior landscaped strips or walkways.

6. Alternate Landscaping Plan. For parking lots with 20 or fewer vehicle parking spaces located in the Rockwood Town Center and Station Center districts, an applicant may prepare an Alternate Landscaping Plan and specifications which meets the intent of the requirement in **subsections (C)(1)**, **(2)**, and **(3)** above and the intent of the district. In addition, alternate landscaping plans also can be proposed as part of the discretionary review process in the Downtown Plan District.

9.0824 Pedestrian Circulation/Walkways

A. A protected raised accessible route, walk and circulation path a minimum of 5 feet wide shall be installed through any parking lot of 50 or more spaces, designed to connect to the front building sidewalks.

B. A pedestrian accessible walk must be provided between the bicycle parking and the building entrance. The walk must be constructed of hard surfaced materials with a minimum width of 3 feet.

C. All walks constructed within parking lots shall be raised to standard sidewalk height except when a walk crosses a vehicular way. All surface treatment of walks shall be firm, stable and slip resistant.

D. Where an accessible route/walk crosses or adjoins a vehicular way (and where there are no curbs, railings or other elements separating the pedestrian and vehicular areas detectable by a person who has a severe vision impairment), the walkway area shall be defined by a marked crossing that has a continuous, detectable marking not less than 36 inches wide. Where walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant paving materials.

E. Where walkways abut parking, the minimum walkway width shall be 7 feet.

F. Accessible routes must comply with the Building Code on Accessibility. The more restrictive walkway standards shall apply when there is a conflict.

9.0825 Space and Aisle Standards for Surface Parking Lots

A. All surface parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in **Figure 9.0825A**, presented on the following page.

B. A minimum of 50% of vehicle parking stalls shall be of standard size, and a maximum of 50% of vehicle parking stalls shall be compact spaces.

C. All parallel parking spaces used in a surface parking lot will be marked with white lines or designated as accessible parking spaces with blue lines and International Symbol of Accessibility Parking Space marking and sign, as required with current ADA regulations.

D. All parallel parking spaces will have a minimum measurement of 8 feet in width and 24 feet in length whether marked or unmarked. The Manager may reduce parallel parking spaces to 20 feet in length when at least 4 feet of adjacent length of maneuvering area is available for backing or pulling into the parallel parking space (i.e., shared safety zone).

Figure 9.0825A: Off-Street Surface Parking Matrix

Off-Street Surface Parking Matrix Required Space and Aisle Dimensions in Feet												
	Compact						Standard					
A	B	C	D	E	F	G	B	C	D	E	F	G
45°	7.50	15.50	13.00	10.61	44.00	2.00	8.50	17.50	13.00	12.00	48.00	2.00
	7.75	15.50	12.00	10.96	43.00	2.00	9.00	17.50	12.00	12.70	47.20	2.00
	7.75	15.50	11.00	10.96	42.00	2.00	9.50	17.50	11.00	13.40	46.00	2.00
	8.00	15.50	11.00	11.32	42.00	2.00	10.00	17.50	11.00	14.10	46.00	2.00
60°	7.50	17.00	18.00	8.62	48.00	2.50	8.50	19.00	18.00	9.80	56.00	2.50
	7.75	17.00	16.00	9.01	46.00	2.50	9.00	19.00	16.00	10.40	54.00	2.50
	7.75	17.00	15.00	9.01	54.00	2.50	9.50	19.00	15.00	11.00	53.00	2.50
	8.00	17.00	14.00	9.20	44.00	2.50	10.00	19.00	14.00	11.60	52.00	2.50
75°	7.50	17.50	25.50	7.73	60.50	2.50	8.50	19.50	25.50	8.80	64.00	2.50
	7.75	17.50	23.00	7.99	58.00	2.50	9.00	19.50	23.00	9.30	62.00	2.50
	7.75	17.50	22.00	7.99	57.00	2.50	9.50	19.50	22.00	9.80	61.00	2.50
	8.00	17.50	21.00	8.25	56.00	2.50	10.00	19.50	21.00	10.30	60.00	2.50
90°	7.50	16.50	28.00	7.50	61.00	3.00	8.50	18.50	28.00	8.50	65.00	3.00
	7.75	16.50	26.00	7.75	60.00	3.00	9.00	18.50	26.00	9.00	63.00	3.00
	7.75	16.50	25.00	7.75	59.00	3.00	9.50	18.50	25.00	9.50	62.00	3.00
	8.00	16.50	24.00	8.00	58.00	3.00	10.00	18.50	24.00	10.00	61.00	3.00

Stall width dimensions may be distributed as follows: 50% standard spaces, 50% compact spaces. All compact spaces shall be labeled as such.

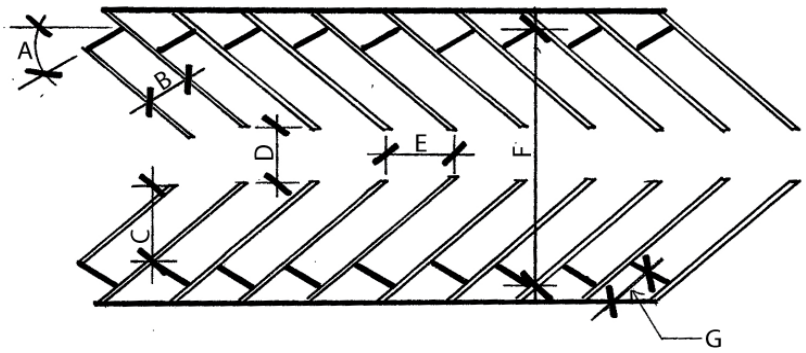


Figure 9.0825A Notes:

1. For one (1) row of stalls use "C" plus "D" as minimum width.
2. Public alley width may be included as part of dimension "D", but all stalls must be on private property, off the public right-of-way.
3. For estimating available parking area, use 350 square feet per vehicle for stall, aisle and access areas.

4. The stall width for self-parking of long duration is 8.6 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers with packages) is 9.5 to 10.0 feet.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. All parallel parking spaces will have minimum dimensions of 8 feet in width by 24 feet in length.

9.0826 Accessible Parking

A. All required parking areas shall provide accessible parking spaces and accessible aisles as outlined in the Building Code, Chapter XI. These accessible spaces shall be located on the shortest practical accessible route to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Curb ramps or other sloped areas shall be located to prevent their obstruction by parked vehicles. Accessible parking spaces shall be a minimum of 9 feet wide with a 6 foot wide access aisle between each two spaces.

1. Van Accessible Parking. One in eight parking spaces, but not less than one space, must provide a van-accessible parking space as outlined in the Building Code, Chapter XI. Van accessible parking spaces are 9 feet wide with an 8 foot wide aisle which can be shared with another 9 foot accessible space. If a single accessible parking space is provided, it shall be designated “van accessible” and shall have an additional sign mounted. Van accessible spaces shall be provided outside of a garage except in public or private parking structures but may have cover such as a carport and shall be available for use by any authorized vehicle. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

2. Marking**.** The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission’s Disabled Parking Standards.

3. Medical Care**.** Medical care occupancies specializing in the treatment of persons with mobility impairments shall provide 20% of required parking spaces as accessible as outlined in the Building Code, Chapter XI. Exception: For outpatient facilities, 10% of parking spaces need to be accessible as outlined in the Building Code, Chapter XI.

4. Passenger Drop-off and Loading Zones. Where provided, passenger drop-off and loading zones shall be located on an accessible route, shall not be less than 12 feet wide by 25 feet long, and the slope not to exceed one vertical in 50 horizontal and a vertical clearance of 114 inches, and shall be designed and constructed according to the Building Code.

B. The quantity and design of accessible spaces and aisles shall comply with the Building Code. Where there is a conflict, the more restrictive standard shall apply.

9.0827 Electric Vehicle Charging Units

Electric vehicle charging units, either public or restricted, shall comply with the following requirements:

A. Electric Vehicle Charging Unit Placement. The first electric vehicle charging unit in a public parking lot shall be accessible for all potential users and shall provide access for people using mobility devices at the unit itself.

B. Parking Space Size. A standard size parking space or an ADA accessible compliant accessible parking space shall be used for an electric vehicle charging unit where such a unit is planned.

C. Signage.

1. Each electric vehicle charging unit space shall be posted with signage indicating the space is for electric vehicle charging purposes.

2. Necessary safety information, directions and identification of voltage/amperage levels and ADA accessibility signs, if an ADA exclusive space, shall also be included.

3. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge. Days and hours of operations shall be included if time limits or tow-away provisions are to be enforced.

4. Any other signage, such as advertising signage, is subject to the standards of **Appendix 6**.

D. Charging Unit Equipment.

1. Electric vehicle charging unit outlets and operable parts shall be no less than 18 inches off the ground if indoors and 24 inches off the ground if outdoors and no higher than 48 inches off the ground to ensure easy access.

2. Electric vehicle charging units shall contain a retraction device, a place to hang permanent cords and connectors sufficiently above the ground, or some other mechanism to ensure that the equipment does not become a safety liability.

3. Electric vehicle charging units are not required to be screened as mechanical units.

Bicycle Parking

9.0830 Bicycle Parking Purpose

All developments shall meet the following minimum requirements for bicycle parking and design:

A. The purpose of these bicycle parking standards is to encourage the use of bicycles by providing safe and convenient places to park bicycles. The standards address the needs for both short-term and long-term bicycle parking. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use.

Long-term bicycle parking spaces accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than two hours. Long-term parking spaces provide a secure and weather-protected location to park bicycles. As discussed further below, the intent of these standards is to provide long-term bicycle parking that is within a reasonable distance of the use. Short-term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately two hours.

B. The required minimum number of bicycle parking spaces for each principal use is given in **Table 9.0851**. Minimums are provided for both short-term and long-term standards.

9.0831 Bicycle Parking Standards

A. Long-Term Bicycle Parking. Required long-term bicycle parking must meet the following standards:

1. Long-term bicycle parking must be provided in racks, lockers or another manager approved type of parking that meet the standards of **9.0832**, except that if long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers is required.

2. Location: Long-term bicycle parking must be located on the site. Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require stairs to access the space; exceptions may be made for parking on upper stories within multi-story residential buildings.

3. Covered spaces. All long-term bicycle parking must be covered per **Section 9.0832(D)** below.

4. Security. To ensure security, long-term bicycle parking for all uses except schools must be in at least one of the following locations:

a. A locked room;

b. An area that is enclosed by a fence with a locked gate. The gate must be either eight feet high, or be floor to ceiling;

c. Within view of an attendant or security guard;

d. Within 100 feet of an attendant or security guard;

e. In an area that is monitored by a security camera; or

f. Contained within a dwelling unit or classroom.

B. Short-Term Bicycle Parking. Required short-term bicycle parking must meet the following standards:

1. Short-term bicycle parking must be provided in racks or lockers that meet the standards of **subsection 9.0832**.

2. Location: Short-term bicycle parking must be:

a. At the same grade as the sidewalk or at a location that can be reached by an accessible route;

b. Within 50 feet of at least one main entrance as measured along the most direct pedestrian route except that on an institutional campus the location of bicycle parking shall be as determined by the Institutional Campus Master Plan; and

c. Visible from the street, unless the applicant demonstrates that it is not feasible, in which case, the bicycle parking area shall comply with **Section 9.0832(F)**.

3. Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access walk required by the Building Code. With approval of the Manager, short-term bicycle parking may be located in the public sidewalk or right-of-way, where this does not conflict with pedestrian accessibility and ADA access.

9.0832 Additional Standards for All Bicycle Parking

A. Bicycle Lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.

B. Bicycle Racks. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required parking is provided in racks, the racks must meet the following standards:

1. If both wheels are left on the bicycle, the frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock;

2. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage it; and

3. The rack must be securely anchored.

C. Parking and Maneuvering Areas.

1. Each required bicycle parking space must be accessible without moving another bicycle.

2. There must be an aisle at least five feet wide behind all bicycle parking to allow for bicycle maneuvering. If the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

3. The area designated for bicycle parking must be hard-surfaced.

D. Covered Parking.

1. Covered parking can be provided by locating bicycle parking within buildings; in bicycle lockers; under roof overhangs, awnings, arcades, or carports; or within or under other structures.

2. Where covered parking is not within a building or locker, the cover must be designed to protect the bicycle from precipitation, and at least seven feet above the floor or ground.

E. Size of Space. Bicycle parking spaces must be at least two feet wide and six feet long.

F. Signs. When a bicycle parking area is not visible from the street, a directional sign must be posted at the main building entrance indicating the location of the bicycle parking (see Sign Code **Section A6.050(C)**.

Off-Street Loading

9.0840 Off-Street Loading Requirements

A. Purpose of Loading Area Regulations. The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, industrial and institutional uses. The intent of these regulations is to minimize disruption of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian circulation.

B. When Loading Area Regulations Apply. This regulation applies to all non-residential development in mixed-use, commercial, and industrial districts, whether or not a permit or other approval is required for the development.

C. General Loading Area Regulations.

1. Loading area requirements are provided in **Table 9.0840(C)**. The number of required loading spaces is based on the use of the building and the building size minus any residential component square footage. Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use (based on square footage of each use) computed separately. Except in Design Districts as described below, the Manager may reduce but not eliminate loading area requirements, where approval criteria are satisfied.

2. The provision and maintenance of off-street loading facilities is a continuing obligation of the property owner.

3. Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the Manager.

4. Parking of passenger vehicles may be allowed in off-street loading areas subject to specific time limits to prevent conflicts with off-street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count towards meeting general parking requirements.

5. Required Off-Street Loading.

a. Each required off-street loading space in an industrial area shall have a minimum length of 60 feet, a minimum width of 12 feet, and a minimum vertical clearance of 15 feet high, inside dimensions with a 60-foot maneuvering apron.

b. Each required off-street loading space, other than industrial zones, shall have a minimum length of 30 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet 6 inches high, inside dimensions with 30-foot maneuvering apron.

6. Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed unless approved by the Manager under special circumstances.

7. Uses not specifically mentioned: In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned uses, as determined by the Manager, which is most similar to the use not specifically mentioned.

8. Concurrent different uses: When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Manager but in no event shall the loading requirements be less than the total required for each use based upon it aggregate floor area, on the same lot or parcel of land as the structure they are intended to serve, unless loading areas approval criteria are satisfied.

9. Design Districts: The following off-street loading standards apply in DCC, DMU, DTM, DRL-2, TDM-C, TDH-C and RTC within the Rockwood triangle as defined in Section 7.0501(D):

a. Off-street loading spaces may be reduced or eliminated with approval by the Manager or Design Commission. The Manager or Design Commission shall make findings of fact based on evidence provided by the applicant that the following criteria are satisfied:

i. Loading can be accommodated:

a) Off-street without designating a loading space on the site; or

b) On-street without interfering with travel lanes in a location and configuration approved by the Manager; and

ii. Criteria in **Section 9.0840(E)(2)(a), (b) and (d)**.

b. The maximum required off-street loading spaces is one space.

c. Required off-street loading spaces may be reduced to 18 feet long and 9 feet wide with a vertical clearance of 10 feet with approval by the Manager or Design Commission if the applicant demonstrates that the configuration of the site and building supports delivery by van for current and prospective tenants.

TABLE 9.0840(C): Off Street Loading Requirements

Use Category or Subcategory	Aggregated Floor Area (Square Feet)	Minimum Number of Loading Spaces Required
Residential	None Required	None Required
Elderly Housing	10,000 - 100,000 Over 100,000	1 space 2 spaces
Industrial* Freight terminals, industrial plants, manufacturing, processing, wholesale establishments, or warehouses	Under 50,000 50,000 – 100,000 Each additional 50,000 or fraction thereof	1 space 2 spaces 1 additional space
Mini-Storage Facilities	None Required	None Required
Visitor Accommodations Hotel, convention hall, or sport arena	25,000 - 150,000 150,000 - 400,000 Each additional 150,000 or fraction thereof	1 space 2 spaces 1 additional space
Institutions Hospitals	10,000 – 100,000 Over 100,000	1 space 2 spaces
Schools – Passenger Loading	Over 14,000	1 space
Commercial Department stores, retail establishments, restaurants, and funeral homes	7,000 – 24,000 24,000 – 50,000 50,000 – 100,000 Each additional 100,000 or fraction thereof	1 space 2 spaces 3 spaces 1 additional space
Office Office building, banks	25,000 – 40,000 40,000 – 100,000 Each additional 100,000 or fraction thereof	1 space 2 spaces 1 additional space

*Industrial loading space required to be (length/width/height) – 60 ft. x 12 ft. x 15 ft.
All other loading spaces shall measure 30 ft. x 12 ft. x 14.6 ft. unless otherwise justified and approved by Manager.

D. Location of required loading facilities.

1. The off-street loading facilities, in all cases, shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.

2. The off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.

3. No loading space shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to the street.

4. In the Industrial zones, loading areas shall be located so that they are not parallel to any adjacent public right-of-way except alleys.

5. Bays and Doors: Truck loading bays or overhead doors shall be located in a manner that would preclude any possibility for trucks to back into bays from major or standard arterial streets.

E. Approval Criteria for Modification of Loading Facilities

1. The Type I Procedure, as described in **Section 11.0300** - Administrative Decision - of this code, shall apply to any modifications made to loading facilities.

2. In order to approve a reduction to the number of loading spaces required in **Table 9.0840(C)** – Required Off-Street Loading Spaces - or any dimensional changes to the proposed loading spaces or maneuvering areas, the Manager shall make findings of fact based on evidence provided by the applicant demonstrating that all of the following criteria are satisfied:

a. The determination will not create adverse impacts, taking into account the total gross floor area, and the hours of operation, and type of the use or uses.

b. The proposal will not interfere with pedestrians or vehicular traffic on the street or to the proposed on-site traffic circulation patterns.

c. The proposal will be able to reasonably accommodate the off-street loading needs of the structure.

d. The proposed dimensional changes to loading space or maneuvering area can reasonably accommodate the on-site traffic circulation.

Minimum/Maximum Required Off-Street Parking

9.0850 Minimum and Maximum Required Off-Street Parking - General

A. For the purpose of calculating parking ratios in all districts, the following type of parking spaces do not count against the maximum ratio but do count toward the minimum ratio:

1. Accessible parking as outlined in the Building Code, Chapter XI
2. Vanpool and Carpool parking
3. Full time valet parking
4. User-paid parking at market rate (except as provided in **Section 9.0850(C)**, below)
5. Structured parking
6. Park and Ride lot parking
7. Vehicle parking within, above, or beneath the building(s) it serves, or within a parking structure, above or below grade
8. Other high-efficiency parking management alternative approved by the Manager

B. For the purpose of calculating parking ratios in all districts the following types of parking are considered outside storage and do not count against the maximum or minimum ratios:

1. Fleet vehicle parking
2. Parking for vehicles that are for sale, lease, or rent

C. For dwelling structures containing two or more units, including elderly housing, where residents are charged a fee or surcharge for a parking space, any such spaces shall not be counted toward meeting the minimum number of spaces required for the development.

D. Surface parking lots exceeding maximum parking requirements shall be designed to allow for more intensive future site development.

E. For Electric Vehicle charging units, the following applies:

1. Minimum Parking Count. Parking spaces with an associated electric vehicle charging unit count toward the minimum required parking spaces.
2. Maximum Parking Count. Parking spaces serviced by an associated electric vehicle charging unit count toward the maximum required parking spaces.

9.0851 Standards for Minimum/Maximum Auto and Bicycle Parking

Except as otherwise provided in the Downtown, Civic Neighborhood and Corridor Districts, the minimum and maximum parking for any development shall be as follows. For exceptions to minimum parking space standards, see **Section 9.0853**. For exceptions to maximum parking space standards, see **Section 9.0854**.

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(A) RESIDENTIAL				
(1) One, two and three unit dwelling structures and single family attached dwellings[3]	2 spaces per dwelling unit	None	None	None
(2) Attached dwellings containing four or more dwelling units				
(a) Studio and one-bedroom units	1.25 spaces per dwelling unit	None	1 per dwelling unit	1 per 20 for all multi-unit dwellings
(b) Two-bedroom units	1.5 spaces per dwelling unit	None	1 per dwelling unit	1 per 20 for all multi-unit dwellings
(c) Three or more bedroom units	1.75 spaces per dwelling unit	None	1 per dwelling unit	1 per 20 for all multi-unit dwellings
(d) Visitor Parking[4]	0.35 spaces per dwelling unit (if less than 100 total dwelling units); 0.25 spaces per dwelling unit (if 100 or more total dwelling units)	None	None	None
(3) Attached dwellings containing 4 or more dwelling units within the Rockwood Town Center and Station Centers Districts[3]	One space per dwelling unit	None Required	1 per dwelling unit	1 per 20 for all multi-unit dwellings
(4) Group Living				
(a) Elderly Housing	[2] (see Table Note 2)	None Required	1 per 40 units	1 per 20 units first 100 units, 1 per 40 units thereafter
(b) Residential Facilities or Homes	1 space per 4 beds	None Required	1 space for every 5 beds	1 space for every 16 beds
(5) Houseboat Moorage	1 space per berth	None Required	None	None

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(B) COMMERCIAL				
(1) Retail Services				
(a) Grocery stores and Supermarket	2.9 spaces per 1,000 sq. ft. of floor area	3.7 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area for stores less than 30,000 sf; 3, or 1 per 18,000 sf for stores greater than 30,000 sf of floor area	2, or 1 per 5,000 sf of floor area, with a maximum of 20 spaces
(b) Commercial, Personal/Business Services	3.2 spaces per 1,000 sq. ft. of floor area	4.3 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 12,000 sf of floor area
(c) Retail Trade	3.6 spaces per 1,000 sq. ft. of floor area	5.1 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 12,000 sf of floor area
(d) Convenience Market	2.3 spaces per 1,000 sq. ft. of floor area	4.3 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 12,000 sf of floor area
(e) Retail with bulky merchandise (Furniture, appliances, carpet)	One space per 1,000 sq. ft. of floor area	1.3 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 12,000 sf of floor area
(f) Hotel, Bed & Breakfast	1 space per guest room or suite	1.3 spaces per guest room or suite	1 per 20 guest rooms	1 per 40 guest rooms
(g) Meeting Room	0.2 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the Building Code	0.3 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the Building Code	None	None
(h) Eating or Drinking Establishments[1]				
(i) Restaurants with drive through	6.0 spaces per. 1,000 sq. ft. of floor area	12.4 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 5,000 sf of floor area
(ii) Restaurants without drive through	8.0 spaces per 1,000 sq. ft. of floor area	19.1 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	2, or 1 per 5,000 sf of floor area

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(i) Sports Clubs/ Health Spas	4.0 spaces per 1000 sq. ft. of floor area	5.4 spaces per 1,000 sq. ft. of floor area	2, or 1 per 10,000 sf of floor area	2, or 1 per 5,000 sf of floor area
(j) Arcades, Bowling Alleys, Skating rinks and other Indoor/Outdoor	4.0 spaces per 1,000 sq. ft. of floor area	5.0 spaces per 1,000 sq. ft. of floor area	2, or 1 per 10,000 sf of floor area	2, or 1 per 5,000 sf of floor area
(k) Tennis and Racquet Ball Clubs	1.0 space per 1,000 sq. ft. of floor area	1.3 spaces per 1,000 sq. ft. of floor area	2	2, or 1 per 10,000 sf of floor area
(l) Funeral Homes and Cemeteries	0.3 space per seat in assembly area or 6.0 linear feet bench seating in largest assembly area	0.6 space per seat in assembly area or 4.5 linear feet bench seating in largest assembly area	1 per 40,000 sf of floor area	2 per 40,000 sf of floor area
(m) Theaters and Auditoriums	0.3 spaces per seat or 6.0 linear feet bench seating	0.4 space per seat or 5.0 linear feet bench seating	2, or 1 per 450 seats	4 or 1 per 110 seats
(n) Truck, Trailer, Boat Auto Rental or Sales	1.0 space per 1,000 sq. ft. of site area	1.3 spaces per 1,000 sq. ft. of site area	2, or 1 per 5,000 sf of building area	2
(o) Open Air Commercial (Lumber) Yard, Nursery	1.0 space per 1,000 sq. ft. of site area	1.3 spaces per 1,000 sq. ft. of site area	2, or 1 per 5,000 sf of building area	2
(p) Equipment Rental, Moving Supplies or Mini-storage facilities	1.0 space per 1,000 sq. ft. of site area	1.3 spaces per 1,000 sq. ft. of site area	Equipment, Rental & Moving Supplies: 2, or 1 per 5,000 sf of building area; Mini-storage: 2	2
(q) Commercial Schools	3.0 spaces per 1,000 sq. ft. of floor area	3.8 spaces per 1,000 sq. ft. of floor area	2, or 1 per 20,000 sf	2, or 1 per 4,000 sf
(2) General Office	2.7 spaces per 1,000 sq. ft. of floor area	3.4 spaces per 1,000 sq. ft. of floor area	2, or 1 per 5,000 sf of floor area, with a maximum of 30 spaces	2, or 1 per 10,000 sf of floor area, with a maximum of 10 spaces
(3) Medical and Dental Clinics	3.9 spaces per 1,000 sq. ft. of floor	4.9 spaces per 1,000 sq. ft. of floor area	2, or 1 per 5,000 sf of floor area for buildings less than 30,000 sf of floor area; 6, or 1 per 7,500 sf for buildings	2, or 1 space per 20,000 sf of floor area

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
			greater than 30,000 sf of floor area	
(4) Vehicle Servicing				
(a) Service Station	3 spaces plus 2 spaces per service bay, if any	4 spaces plus 2.5 spaces per service bay, if any	2, or 1 per 5,000 sf of floor area	1
(b) Service Station with Convenience Market with gas pumps	2.3 spaces per 1,000 sq. ft. of floor area	2.9 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 sf of floor area	4, or 1 per 12,000 sf of floor area
(c) Vehicle Repair	4 spaces per service bay	5 spaces per service bay	2, or 1 per 5,000 sf of floor area	1
(d) Car Wash	2 spaces per service bay or lane	3 spaces per service bay or lane	2, or 1 per 5,000 sf of floor area	None required
(5) Commercial Parking				
(a) Commercial	None Required	None Required	N/A	N/A
(b) Light Rail Stations	None Required	None Required	N/A	N/A
(c) Park-and-Ride	None Required	None Required	N/A	Subject to Regional Center Plans, such as Downtown, Civic, and Rockwood Plans
(d) Transit Transfer Centers	None Required	None Required	N/A	Subject to Regional Center Plans, such as Downtown, Civic, and Rockwood Plans
(e) Public Parking	None Required	None Required	N/A	Subject to Regional Center Plans, such as Downtown, Civic, and Rockwood Plans
(6) Stadium, Arena, and Auditorium	0.3 spaces per seat or 6.0 linear ft. bench seating	0.4 spaces per seat or 5.0 linear ft. of bench seating	0, or per Master Plan review	2% of seats, or per Master Plan review
(C) INSTITUTIONAL USES				
(1) Educational Institutions				
(a) Pre-school Child Care Facilities or Kindergarten	1 space per classroom	2 spaces per classroom	2, or .5 per classroom	2, or .5 per classroom
(b) Elementary or Middle Schools	2 spaces per classroom	2.5 spaces per classroom	2, or .5 per classroom	2, or .5 per classroom

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(c) High School	7 spaces per classroom	10.5 spaces per classroom	2, or .5 per classroom	2, or .5 per classroom
(d) College	3.0 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply)	3.8 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply)	2, or 1 per 20,000 sf, or per Master Plan review	2, or 1 per 4,000 sf
(2) Religious Institutions	0.3 spaces per seat or 1 space per 6.0 linear feet of bench seating in sanctuary	0.6 spaces per seat or 1 space per 4.5 linear feet of bench seating in sanctuary	1, or 1 per 10,000 sf of floor area	2, or 1 per 4,000 sf of floor area
(3) Libraries, Museums and Cultural Institutions	3.0 spaces per 1,000 sq. ft. of floor area	3.8 spaces per 1,000 sq. ft. of floor area	2, or 1 per 6,000 sf of floor area	4, or 1 per 1,500 sf of floor area
(4) Hospitals	Two spaces per bed or 2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply)	6, or 1 per 7,500 sf of floor area, or as determined based on Institutional Master Plan review	2, or 1 per 20,000 sf of floor area, or as determined based on Institutional Master Plan review
(5) Adult or Senior Center	2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area	1 per 20,000 sf of floor area	2, or 1 per 20,000 sf of floor area
(6) City Recreation Center	2.0 spaces per 1,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area	2, or 1 per 10,000 sf of floor area	2, or 1 per 5,000 sf of floor area
(7) Marina, Boat Moorage	1.0 spaces per berth	None Required	None required	None required
(8) Helicopter Landing Facility	2 spaces per helicopter based at facility	2.5 spaces per helicopter based at facility	None Required	None required
(9) Institutions				
(a) Welfare Institutions	0.3 space per bed based on maximum capacity	0.4 space per bed based on maximum capacity	2, or 1 per 20 residents	2, or 1 per 5 residents

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(b) Convalescent Hospital, Sanitarium	0.5 space per bed based on maximum capacity	0.6 space per bed based on maximum capacity	2, or 1 per 20 units first 100 units; 1 per 40 units thereafter	2, or 1 per 50 units first 100 units; 1 per 100 units thereafter
(10) Private Utility (gas, electric, telephone etc.)	One space or 0.8 space per each employee on largest shift	One space per each employee on largest shift	0.3 spaces per 1,000 sf of office floor area	2, or 1 per 1,000 sf of office floor area
(11) Parks and Open Space	None Required	None Required	N/A	Parks: 2, or 1 per every 2 acres. Open Space: N/A
(D) INDUSTRIAL				
(1) Manufacturing, Processing, Packing Assembly, & Fabrication	1.6 spaces per 1,000 sq. ft. of floor area	Not applicable. In non-industrial land use districts, 2.0 spaces per 1,000 sq. ft. of floor area	2, or 1 per 25,000 sf of floor area, with a maximum of 20 spaces	None required
(2) Warehouse, Freight Movement Distribution, and Storage	0.3 space per 1,000 sq. ft. of floor area	0.7 space per 1,000 sq. ft. of floor area (if less than 150,000 sq. ft. of floor area); 0.4 space per 1,000 sq. ft. of floor area (if equal to or greater than 150,000 sq. ft. of floor area)	2, or 1 per 25,000 sf of floor area, with a maximum of 20 spaces	None required
(3) Wholesale, Retail Sales	0.3 space per 1,000 sq. ft. of floor area	2.0 spaces per 1,000 sq. ft. of floor area	Wholesale: 2, or 1 per 25,000 sf of floor area, with a maximum of 20 spaces. Retail Sales: see Commercial Retail Services B(1)	Retail Sales: see Commercial Retail Services B(1)
(4) Industrial, Commercial Services	0.8 space per 1,000 sq. ft. of floor area	1.0 space per 1,000 sq. ft. of floor area	See Commercial Retail Services B(1)	See Commercial Retail Services B(1)

Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table				
	Auto Parking		Bicycle Parking	
	Minimum	Maximum	Long-Term[5]	Short-Term[5]
(5) Laboratories, Research and Development Facilities	2.7 spaces per 1.000 sq. ft. of floor area	4.1 spaces per 1,000 sq. ft. of floor area	2, or 1 per 25,000 sf of floor area with a maximum of 20 spaces	None required
(E) NOT SPECIFICALLY MENTIONED	For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.	For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.	For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.	For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.

*More bike parking spaces may be provided at the discretion of the use.

Table Notes:

1. Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants without drive-through.
2. The burden shall be on the applicant to demonstrate that the parking being proposed will be adequate to serve the project. The parking plan shall consist of the following:
   a. There shall be one parking space for every 0.8 employee, based on the maximum number of employees during any single shift;
   b. There shall be one parking space for each visitor based on the average number of visitors expected during peak visiting hours;
   c. To determine the parking required for the project residents or tenants, consideration shall be given to the number of units or, in the case of a nursing facility, the number of beds; the type(s) of elderly housing proposed; the proximity of the facility to transit services, medical services, and shopping; and such other factors as the Manager finds appropriate.
3. See also applicable residential parking standards contained in Section 9.0870 and Section 4.0440.
4. Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by items (a) through (c).
5. Where two methods are provided for establishing the minimum amount of bicycle parking requirement, the method which results in the most bicycle parking shall apply.

9.0852 Plan District Minimums and Maximums

A. Civic Neighborhood Plan District. Off-street parking facilities provided in connection with new development must be appropriate to the dense mix of uses which characterize the Civic Neighborhood Plan District. Parking should be secondary to easy and safe pedestrian movement. The scale and orientation of parking lots shall be consistent with their purposes in supporting a mix of commercial and residential uses and the vital, pedestrian and transit oriented community to which they contribute.

1. Minimum Off-Street Parking. Minimum off-street parking for automobiles shall be provided as specified in **Table 4.1230 (I)**. Off-street parking for automobiles is not required for new commercial development in the Civic Neighborhood PD. However, if required by the Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. Bicycle parking shall be provided in connection with new development as provided in **Table 9.0851**.

2. Maximum Off-Street Parking. Maximum off-street parking permitted for residential uses

shall be as specified in **Table 4.1230 (J)**. Maximum off-street parking for commercial uses shall be as specified in **Table 9.0852(A)** below:

3.

TABLE 9.0852(A)

Permitted Land Use (Section 4.1220)	Maximum Parking up to 65,000 SF of floor area	Maximum Parking 65,000 to 90,000 SF of floor area	Maximum Parking greater than 90,000 SF of floor area
Retail & Commercial	4.5 : 1000 SF	3.61 : 1000 SF	2.89 : 1000 SF
Office	2.75 : 1000 SF	2.75 : 1000 SF	2.75 : 1000 SF
Theatre	The lesser number of spaces calculated under Section 9.0851, provided the minimum density standards in Section 4.1232 are met.	The lesser number of spaces calculated under Section 9.0851, provided the minimum density standards in Section 4.1232 are met.	The lesser number of spaces calculated under Section 9.0851, provided the minimum density standards in Section 4.1232 are met.

Under Type II procedures, the Manager may approve off-street parking in excess of the maximum allowed parking spaces specified in this section, in addition to spaces allowed pursuant to **Section 9.0860(A)** and **(B),** when the applicant can show that all the following criteria are met:

a. The proposed development is highly supportive of the intent of the Gresham Civic Neighborhood Plan, as appended to Volume 1 - Findings, of the Community Development Plan; and

b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

c. The proposed development demonstrates that its design and intended uses will support high levels of both transit and pedestrian activity; and

d. The proposal complies with the minimum density standards of **Section 4.1232**.

e. The development incorporates special features beyond the minimum design standards of **Sections 4.1235, 4.1236, 4.1237** and **4.1242**. Special features will include at least one of the following: Covered exterior pedestrian arcades or public plazas with fountains/public art; ground floor retail uses, or mixed uses, or community services which especially promote high levels of pedestrian and transit activity; multiple story buildings; underground or structured parking.

B. Downtown Plan District. Off-street parking facilities provided in connection with new development must be appropriate for the unique characteristics of the Downtown PD. This means that parking shall be a clearly secondary use, designed so that it does not interfere with easy and safe pedestrian movement. By ensuring that parking lot sizes do not become excessive, and that appropriate landscaping is provided, the downtown area will be more attractive, and more conducive to creating a lively, prosperous district for the benefit of area residents, employees, and visitors.

1. Minimum Off-Street Parking.

a. Minimum Off-street Parking for Commercial and Industrial uses per 1,000 square feet of floor area:

i. DCC, DTM and DMU sub-districts: zero spaces.

ii. DEM, DRL-1, DRL-2: 1.0 space.

iii. DCL: 1.5 spaces.

If required by the Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. The minimum amount of off-street parking required in any sub-district of the Downtown PD may be reduced by up to 50%, as provided in **Section 9.0853(E)**.

b. Minimum off-street parking per unit for the following residential uses:

i. Single-family detached dwelling, duplex, single-family attached dwellings, attached dwellings on a single lot: 1.0 space.

ii. All other residential uses: See **Table 9.0851**.

c. Minimum off-street parking for institutional uses in DCC and DMU and within 1,000 feet of a high MAX station in DTM and DEM: 1 space per 1,000 square feet of floor area or the minimum in **Table 9.0851**, whichever is less. The only exceptions allowed to this minimum are **Sections 9.0853(C)** and **(E)** and **Sections 10.1510** and **10.1530**.

d. Minimum off-street parking for other uses: See **Table 9.0851**.

2. Maximum Off-Street Parking.

a. Maximum Off-Street Parking for commercial per 1,000 square feet of floor area: Maximum off-street parking permitted for Commercial and Industrial uses that exceed 90,000 square feet of floor space shall be 80% of the amount required in **Table 9.0851**. Additional off-street parking beyond these maximums may be permitted within the Downtown Plan District, as provided in **9.0852(B)3**.

b. Maximum Off-Street Parking for residential: No maximum, except 1.5 spaces per unit for attached dwelling units on a single lot.

3. Parking in addition to maximums: Under Type II procedures, the Manager may approve off-street parking in excess of the maximum allowed parking spaces specified in this section when the applicant can show that all the following criteria are met:

a. The proposed development is highly supportive of the intent of the Gresham Downtown Plan, as contained in Volume 2 - Policies of the Community Development Plan; and

b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

c. The proposed development demonstrates that its design and intended uses will support high levels of both transit and pedestrian activity; and

d. The site plan shall indicate where additional parking can be redeveloped to more intensive transit supportive use in the future or the parking in excess of the maximum is constructed as part of a parking structure.

4. New surface parking lots in the Downtown Plan District are limited to 40,000 square feet in

size per site.

5. Commercial Parking Facilities on surface parking lots are prohibited in the Downtown Plan District. Public parking facilities owned by a local, county, or regional governments, an urban renewal agency or a transportation management association are allowed on surface lots or in structures.

6. New surface parking lots can only be constructed in the Downtown Plan District as approved with a development permit for an allowed use that requires off-street parking, except for public parking facilities.

7. Parking facilities are not allowed as the first phase of a development but must be constructed in conjunction with buildings that are part of the development.

8. Bicycle parking shall be provided in conformance with **Section 9.0830** and **Table 9.0851**.

9. Commercial and Industrial uses may occupy an existing building even if the existing building does not have the minimum required automobile parking for that use. Bicycle parking shall be provided.

C. Downtown and Civic Neighborhood Plan Districts. Surface parking lots exceeding minimum parking requirements in both Downtown and Civic Neighborhood Plan Districts shall be designed to allow for more intensive future site development.

9.0853 Exceptions to Minimum Parking Space Standards (refer to Table 9.0851)

A. Parking District Waiver. Minimum off-street parking spaces may be waived for properties within the boundaries of a public parking district that provides district-wide parking facilities.

B. Allowed Motor Vehicle Parking Reductions. A reduction of up to 10% of minimum off-street vehicle parking requirements is allowed as a right of development for all non-residential uses.

C. Reduction for Bike Parking. Off-street motor vehicle parking requirements for non-residential uses may be reduced by an additional 10% to the reductions allowed in **Subsection (B)** and/or **(D)** if replaced by bicycle parking above that required, at a rate of two bicycle spaces for one vehicle space.

D. Motor Vehicle Parking Reductions near LRT Stations. Minimum off-street vehicle parking requirements may be reduced by an additional 10% to the reduction permitted in Subsection (B) above in the Transit Development District - Medium Density - Civic; Transit Development District- High Density - Civic; High - Density Residential - Civic; Moderate - Density Residential - Civic. The reduction in this section also applies to residential uses.

E. Additional Motor Vehicle and Bicycle Parking Reductions. The Manager may reduce the total required off-street vehicle and bicycle parking spaces by up to a total of 50% when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites (1) that use of transit, demand management programs, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum City parking requirements, and (2) a reduction in parking will not impact adjacent uses.

F. Motor Vehicle Parking Reductions for Existing Uses. Property owners of existing non-residential development may take advantage of incentives to reduce vehicle parking below the minimum off-street vehicular parking standards as provided below:

1. When expansion of floor area and/or redevelopment of the site necessitates or creates the opportunity to reconfigure existing parking, the owner may take advantage of applicable vehicle parking reductions provided in **Subsections (B), (D)** and **(E)** above.

2. Even when no expansion or redevelopment of the site is proposed, the property owner may replace up to 10% of existing parking spaces with the following:

a. Additional landscaping;

b. On-site pedestrian plazas, seating areas, shelters and/or walkways;

c. Bicycle parking in addition to the number of parking spaces required. New bicycle parking shall conform to all design standards contained in **Section 9.0830**.

G. In addition to other reductions of this section, parking requirements may be reduced under the modification of regulation provisions of **Section 10.1521**.

9.0854 Exceptions to Maximum Parking Space Standards

A. Except in the Downtown Plan District, if application of the maximum parking standard would result in less than 6 parking spaces for a development with less than 1,000 square feet of floor area, the development shall be allowed up to 6 parking spaces. If application of the maximum standards would result in less than 10 parking spaces for a development of 1,000 to 2,000 square feet of floor area, the development shall be allowed up to 10 parking spaces.

B. In the following land use districts, the Manager, under Type II procedures, may approve exceptions to the maximum parking space standards based on the criteria provided below:

1. Station Center and Rockwood Town Center Districts.

a. The proposed development is highly supportive of the intent of the Station Center District or Rockwood Town Center District, or Design Street Designations stated in **Sections 4.0400** and **7.0210**, if applicable; and

b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

c. The proposed development demonstrates that its design and intended uses will support high levels of existing or planned transit and pedestrian activity; and

d. The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future; and

e. The development incorporates special features beyond the minimum transit design features of **Section 7.0210 (A)** and **(B).** Special features will include at least one of the following: Covered exterior pedestrian arcades or public plazas with fountain/public art; ground floor retail uses, or mixed uses, or community services which especially promote high levels of pedestrian and transit activity; multiple story buildings; underground or structured parking.

2. Civic Neighborhood and Downtown Plan Districts**.**

a. For exceptions to maximum parking spaces in the Downtown Plan Districts refer to **Section 9.0852(B)**.

b. For exceptions to maximum parking spaces in the Civic Neighborhood Plan District refer to **Section 9.0852(A)**.

3. All Other Districts.

a. The proposed development has unique or unusual characteristics (such as high sales volume per floor area or low parking turnover) which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses;

b. The parking demand cannot be accommodated by shared or joint parking or by increasing the supply of spaces that are exempt from the maximum ratio (**Section 9.0851)**.

c. The request is the minimum necessary variation from the standard.

9.0855 Joint Vehicle Parking Lot

Required motor vehicle parking for two or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility, to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlap (e.g., uses primarily of a daytime versus a nighttime, or weekday versus weekend nature) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument upholding such joint use. In this situation, the size of the joint parking shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per **Table 9.0851**. Applicants taking advantage of this provision are not eligible for reductions under **Section 9.0853 (B), (C), (D)**, and **(E).**

9.0856 Parking in Mixed-Use Projects

In mixed-use projects, (except in the Station Center District, Rockwood Town Center District, Downtown Plan District, and Civic Neighborhood Plan District) required motor vehicle parking may be determined using the following formula. Mixed-use projects using this formula are not eligible for further reductions under **Section 9.0853(B)** but may take advantage of reductions under **Section 9.0853(C), (D)** and **(E)**. For the purposes of this section, "mixed-use" projects can include any mix of residential, commercial, institutional and/or light industrial uses:

A. Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use.

B. Secondary use, i.e., that with the second largest proportion of total floor area within the development, at 90% of the vehicle parking required for that use.

C. Subsequent use or uses, at 80% of the vehicle parking required for that use(s).

9.0857 Required Carpool and Vanpool Parking

Developments with 50 or more employees on any single shift, shall designate at least 10%, but not fewer than two, of the long term (4 hours or more) employee or student parking spaces for carpool/vanpool parking. These designated spaces shall be located closer to the building entrances than other employee or student parking with the exception of ADA accessible and short-term (less than 4 hours) visitor parking. These spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" and include hours of use, per the Manual of Uniform Traffic Control Devices.

This section also applies to transit park and ride facilities with 50 or more parking spaces.

9.0858 Fleet Motor Vehicle Parking

Required vehicle parking spaces required may not be used for storage of fleet vehicle, except when the applicant can show that employee and fleet parking spaces are used interchangeably. For the purposes of this code, space devoted to the parking/ storage of fleet vehicles will be considered as outdoor storage, and will not affect required or maximum parking.

Other Public Parking

9.0860 Interim Parking

A. In Dedicated Rights-of-Way. Buildings and projects shall provide sidewalk and street improvements to meet City development standards in the dedicated public right-of-way along all the frontages of sites, as provided in **Section A5.400**. Where construction of a half-street is required by the Manager in the Civic Neighborhood PD, it shall be designed with a minimum width of 32 feet of roadway, utilities, sidewalks, street trees, street lighting and street furnishings. Typically, a half street improvement would comprise a 12 feet sidewalk plus 20 feet of street pavement, leaving 28 feet width of unimproved right-of-way available for interim parking use. The remaining, unimproved portion of street right-of-way may be used on an interim basis for off-street parking, provided that the frontage abutting the unimproved portion of the half-street is not occupied by any buildings, and is under a single ownership for the length of the half-street. Any such interim parking area must be designed and improved in conformance with **Section 4.1237**. Land area within public street right-of-way shall not be counted in minimum and maximum parking or Floor Area Ratio calculations. Where construction of a half-street is not required by the Manager in the Civic Neighborhood Plan District, the full street right-of-way may be used on an interim basis for off-street parking subject to the same conditions noted above.

B. Blocks within Civic Neighborhood. A development in the Civic Neighborhood Plan District may occupy an entire block with parking, on an interim basis, when such parking serves a development located across an abutting street, and provided minimum floor area ratio standards are met. Where a multi-block development includes a block or blocks with frontage on a primary pedestrian street, and a block or blocks without frontage on a primary pedestrian street, any block with frontage on a primary pedestrian street shall not be occupied entirely by parking.

9.0861 Parking Structures

A. Ground Floor Use. For all new multi-level parking structures, at least 50% of the total ground floor street frontage excluding driveway entrances and exits, stairwells, elevators, and centralized payment booths shall be designed to accommodate commercial, institutional, or residential floor space.

B. Ground Floor Windows. All parking structures shall provide ground floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas that equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above finished floor wall up to a maximum sill height of 6 feet above grade.

C. Landscaping, Buffering and Setbacks. Requirements are determined by Community Plan Map Designations and **Section 9.0100**.

D. Design Review. All parking structures are subject to Design Review.

E. Other Standards. Parking structures must comply with all standards of the Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting, and fire/safety requirements and disabled accessibility.

F. Parking Layout and Internal Circulation. The configuration of parking within a parking structure

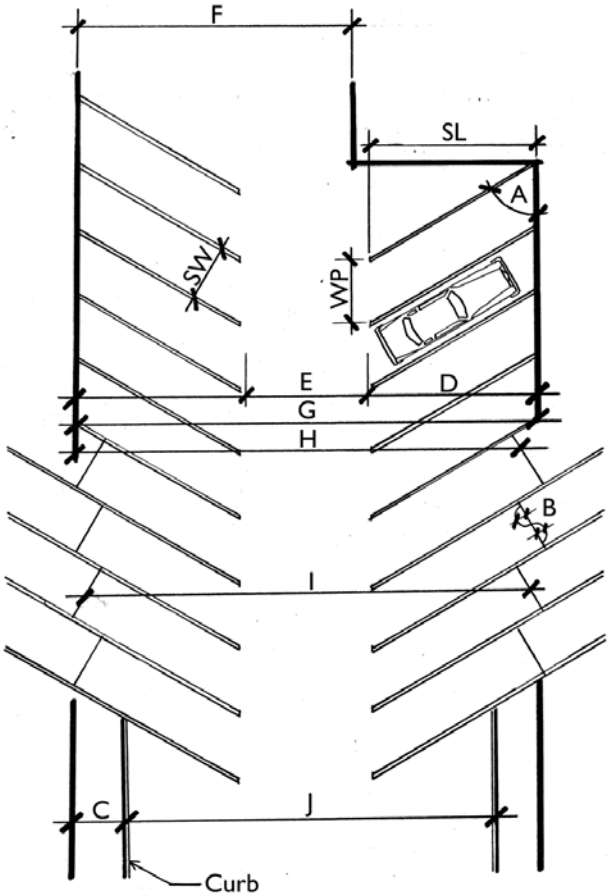
shall be subject to the requirements contained in **Table 9.0861**, except as described here: A modified Layout and Internal Circulation under Type II procedure may be approved by the Manager when it can be shown that 1) a structure meets design guidelines of the Urban Land Institute Dimension of Parking, current edition, or 2) a similar structure functions efficiently using the proposed modified layout, circulation and dimensions.

Table 9.0861 - Parking Structure Matrix

Parking Structure Matrix Required Space and Aisle Dimensions in Feet									
Compact									
Angle	Interlock Reduction	Overhang	Vehicle Projection	Width	Module Widths				
A	B	C	D	E	F	G	H	I	J
45°	2.00	1.41	15.25	11.50	26.75	42.00	40.00	38.00	39.16
60°	1.41	1.75	16.08	13.33	29.66	46.00	44.58	43.16	42.50
75°	0.75	1.91	16.50	16.00	32.50	49.00	48.25	47.50	45.16
90°	0.00	2.00	15.50	20.00	35.50	51.00	51.00	51.00	47.00
Standard									
Angle	Interlock Reduction	Overhang	Vehicle Projection	Width	Module Widths				
A	B	C	D	E	F	G	H	I	J
45°	2.40	2.08	18.00	13.00	31.00	49.00	46.66	46.33	44.83
60°	1.66	2.58	19.50	16.00	35.50	55.00	51.33	51.66	49.16
75°	0.83	2.91	19.75	20.00	39.75	59.50	58.66	57.83	53.66
90°	0.00	3.00	18.66	24.66	43.33	62.00	62.00	62.00	56.00

A Parking Angle

B Interlock reduction
C Overhand clearance
D Projected vehicle length measured perpendicular to aisle
E Aisle width
F Parking module width (wall to wall), single-loaded aisle
G Parking module width (wall to wall), double-loaded aisle
H Parking module width (wall to interlock), double loaded aisle
I Parking module width (interlock to interlock), double loaded aisle
J Parking module width (curb to curb), double loaded aisle
SL Stall length
SW Stall width
WP Stall width parallel to aisle



9.0862 (Reserved for future section)

9.0863 MAX Park-and-Ride

Park-and-ride facilities serving MAX stations shall be subject to the following requirements:

A. New surface park-and-ride facilities shall not exceed 50 spaces on a contiguous site.

B. New park-and-ride facilities which exceed 50 spaces on a contiguous site shall be contained within a multi-story structure.

C. Expansion of surface park-and-ride facilities outside of the site as it existed on the effective date of this subsection is not allowed except within a multi-story structure. Existing surface park-and-ride facilities may be maintained, redeveloped, or re-striped. Redevelopment of existing surface park-and-ride sites for structured parking shall be encouraged, in accordance with standards of **Section 9.0861**.

9.0864 On-Street Parking

Refer to **Section A5.501** for on-street parking requirements.

9.0865 Minor Access Street Parking Spaces

Development proposals that include the creation of a minor access street must provide 3 to 4 public parking spaces as per **Section A5.501(F)**. These spaces shall meet the standard parking space and maneuvering dimensions of **Figure 9.0825A**, but are exempt from the parking lot landscaping design requirements of **Section 9.0800**.

Off-Street Parking for Private Residences

9.0870 Off-street Parking and Driveways for Detached Dwellings, Manufactured Homes, Single Family Attached Dwellings and Duplexes

A. Two off-street parking spaces per dwelling unit are required. Each parking space shall be at least 8.5 feet wide by 18 feet deep. One additional off-street parking space is required for each residential unit that accesses a local lane or minor access street, except when a development is within a quarter mile of a light rail station.

B. Tandem (end-to-end) parking is allowed to meet the minimum off-street parking requirements.

C. Two required parking spaces per unit may be located in a driveway, in the front or street side yard setback, or in the rear yard setback when there is an alley.

D. Driveways and driveway approaches shall be paved. A compacted gravel surface driveway may be allowed only under the following circumstances:

1. The driveway is in all or part to be located within a Hillside Physical Constraint, Floodplain, or Habitat Conservation Area District, and

2. No more than three residences are served, and/or

3. Where trees of a regulated size can be saved, and/or

4. The residence(s) to be served are at least 50 feet from the paved public street accessed, and

5. The first 20 feet from the improved public street must be paved with hard surface material.

E. The minimum driveway width is 10 feet. This may be increased for public safety purposes.

F. Driveways/Driveway Approach Width/Grade: See **Section A5.503 -** Driveways.

G. Curb cuts shall meet all of the requirements contained in **Section A5.400**.

H. Within the steep slopes (15% or greater) of the Hillside Physical Constraint Overlay District, the use of shared private driveways by residential development is encouraged to lessen overall site grading. Shared Driveways are permitted as follows:

1. Shared driveways shall provide primary vehicle access to no more than four residences and shall not exceed 150 feet in length, unless approved by the Gresham Fire Department**;**

2. Shared driveways shall not exceed a slope of 12%. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatment and embedded heating systems;

3. Shared driveways shall not be less than 15 feet wide.

4. Deed restrictions shall be recorded for general maintenance of the condition of the shared portion of the driveways, and for keeping the shared portions of the driveways clear of parked vehicles or other obstructions.

I. For single-family homes and duplexes, when the driveway is located in the front yard, the driveway width is limited to the width of the garage door plus two feet on either side. For single-family homes and duplexes with carports located in the front yard, the width of the driveway shall be limited to the width of the carport. Where there is no garage or carport, the maximum width of the driveway shall be 16 feet when the driveway is located in the front yard. Where the side yard setback is immediately adjacent to the driveway/carport, this area may be incorporated into the driveway, once improved.

SECTION 9.0900
PROJECTIONS

General

9.0901 Projections Into Required Yards And Above The Maximum Building Height

General

9.0901 Projections Into Required Yards And Above The Maximum Building Height

A. Projections into Required Yards. The following objects and structures may project into the required yard:

1. Paved terraces, decks, and stairs may project into required front, side or rear yards provided that no structures thereon shall violate other requirements of this Ordinance or the Building Code;

2. Unroofed landings and stairs may project into required front and rear yards only;

3. Window sills, belt courses, bay windows, eaves and similar incidental architectural features may project no more than two feet into any required yard when not in violation of the Building Code;

4. Eaves may project 1 foot over a side yard utility easement if there is no violation of the Building Code.

5. Open fire escapes shall not project more than 4.5 feet into any required yard; and,

6. Chimneys shall not project more than 30 inches into any required yard.

7. Solar energy collecting structures when attached to a single-family detached dwelling, a duplex, or a mobile home in a mobile home subdivision may project into required rear yards as provided below when such structures meet the criteria of **Article 4 and Section 10.0900.**

a. Rear Yard Setback - The rear yard minimum setback may be reduced to 9 feet as measured from the rear property line; except that an attached solar collecting structure which occupies over 50% of the horizontal linear dimension of the building's rear elevation shall maintain a minimum setback of 13 feet.

8. Heating, air conditioning units, residential fuel cells, small micro-hydro energy systems and small geothermal renewable energy systems (heat pumps). This may be to the side and rear yards only. See **Article 4** and **Section 10.0940**.

9. Customary yard accessories, ornaments and furniture such as flag poles and landscape ponds.

10. Micro/mini Wireless Communication Facilities.

B. Projections above the Maximum Building Height. Except in the GBSV District as described in **Section 9.0901.D**, the following structures may project above the maximum building height:

1. Medium and large scale solar energy systems;

2. Small and medium scale wind energy systems for the private generation of energy. Medium and large scale wind energy systems up to 45 feet;

3. Antennas;

4. Spires or Turrets;

5. Elevator equipment and stair enclosures, on flat roofs only;

6. Heating, ventilation, air conditioning equipment enclosures, small scale biomass energy systems, small or large scaled geothermal energy systems, and micro-hydro energy systems on flat roofs only;

7. Roof gardens, courtyards and ancillary structures, not to exceed 10 feet in height, on flat roofs only.

8. Micro/mini Wireless Communication Facilities.

C. Other Projections. Except for parcels in the GBSV District which are governed by **Section 9.0901.D**, the following structures may project above the maximum building height and into required yards:

1. Yard Accessories;

2. Religious Symbols.

D. In the GBSV District, projections above maximum height allowed by **Section 9.0901.B** and **Section 9.0901.C** will be reviewed under the criteria set forth in **Section 8.0100** for Special Uses or by **Section 10.1510** for structures not undergoing a Special Use Review.

SECTION 9.1000
TREE REGULATIONS

General

9.1010 Purpose and General Standards

9.1011 Applicability

9.1012 Required, Regulated and Significant Tree Types

9.1013 Tree Dimension Standards

9.1014 Approved Tree List for Required Trees

9.1020 Standards for Single-Family Detached Dwellings, Duplexes and Single-Family Attached Dwellings

9.1021 Exemptions

During Development

9.1022 Tree Protection During Development

9.1023 Street Tree Planting During Development

9.1024 Tree Removal During Development

9.1025 Tree Replacement for Trees Removed During Development

Post-Development

9.1026 Tree Removal Post Development

9.1027 Tree Replacement Post Development

9.1030 Standards for Other Uses (Not including Single-Family Detached Dwellings, Duplexes, and Single-Family Attached Dwellings) and Parking Lots

9.1031 Exemptions

During Development

9.1032 Tree Protection During Development

9.1033 Street Tree Planting During Development

9.1034 Tree Removal During Development

9.1035 Tree Replacement During Development

Post-Development

9.1036 Tree Removal Post Development

9.1037 Tree Replacement Post Development

9.1040 Pruning of Required and Significant Trees

9.1050 Significant Trees

9.1060 Civil Penalties

General

9.1010 Purpose and General Standards

The city of Gresham benefits from a large number of trees consisting both of natural growth and those planted throughout the years. The retention and establishment of trees adds to the livability of the community by enhancing its aesthetic beauty, minimizing surface water and groundwater run-off and diversion, filtering noise and air pollution, and promoting soil stability. Because uncontrolled cutting or destruction of trees within the city decreases the community's livability, it is in the public interest to preserve significant trees, to control the cutting of trees, and to protect trees from damage during construction and from improper pruning.

9.1011 Applicability

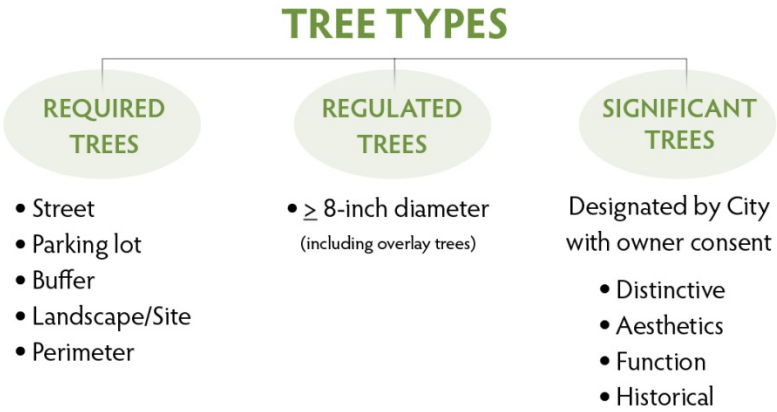
It is the intent of this section to provide for tree protection and the safe, orderly removal and replacement of trees on developed and undeveloped sites, and to provide for good stewardship of the urban forest. All land within the city of Gresham is subject to the Tree Protection, Removal and Replacement regulations of **Sections 9.1012-9.1040**. References to the term Special Purpose Overlay Districts in **Section 9.1000** refer to the Floodplain Overlay District, Hillside Physical Constraint Overlay District, the Gresham Butte Scenic View Overlay District, and the Habitat Conservation Area Overlay District.

Note: Most images, including photographs and illustrations that follow, are not part of the Development Code and do not act as Standards, unless labeled with a Development Code section number. These images are provided to assist the readers in envisioning the intent of the Standards.

9.1012 Required, Regulated and Significant Tree Types

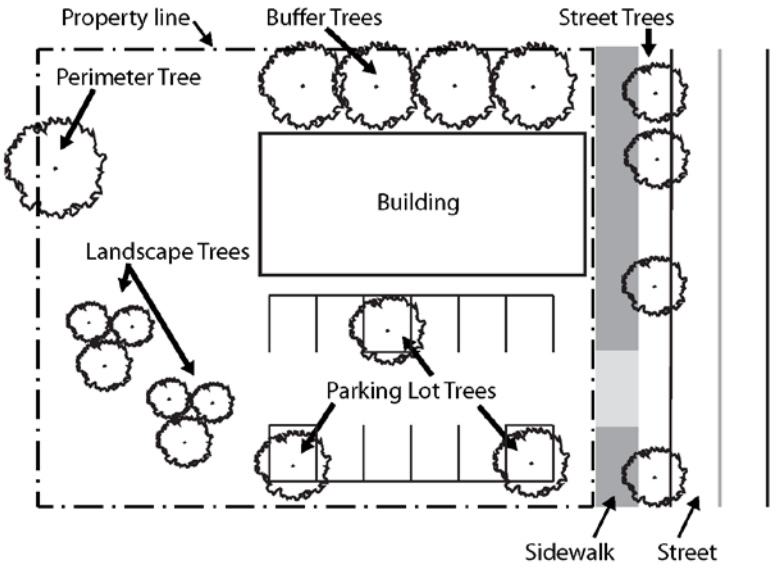
The category of protected trees referenced throughout the Development Code primarily include those listed in Diagram 1.

Diagram 1. Development Code Protected Tree Types



A. Required Trees, as defined in **Article 3**, are illustrated in **Diagram 2.A**.

Diagram 2.A. Illustration of Required Trees in Gresham's Development Code

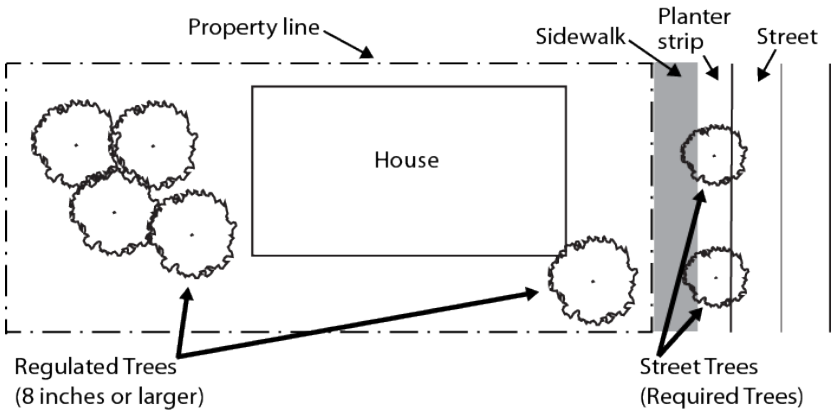


KEY

- **Street Tree** – A tree within the right of way along a street between the curb and sidewalk or within a street median.
- **Buffer Tree** – An evergreen or deciduous tree that has been approved as part of a buffering and screening plan.
- **Perimeter Tree** – A tree located within 5 feet of either side of a property line. Does not include trees in the public right-of-way or within 5 feet of the public right-of-way.
- **Landscape Tree** – A tree that was approved as part of a landscaping plan, including "site" trees per Article 7.
- **Parking Lot Tree** – A tree that was approved as part of a parking lot plan.

B. Regulated Trees, as defined in **Article 3**, are illustrated in **Diagram 2.B**.

Diagram 2.B. Illustration of Regulated Trees in Gresham's Development Code



Key

Regulated Tree – A tree that has a Diameter at Breast Height (DBH) of 8 inches or greater, including trees located in the Special Purpose Overlay Districts. Regulated Trees are not Required or Significant Trees.

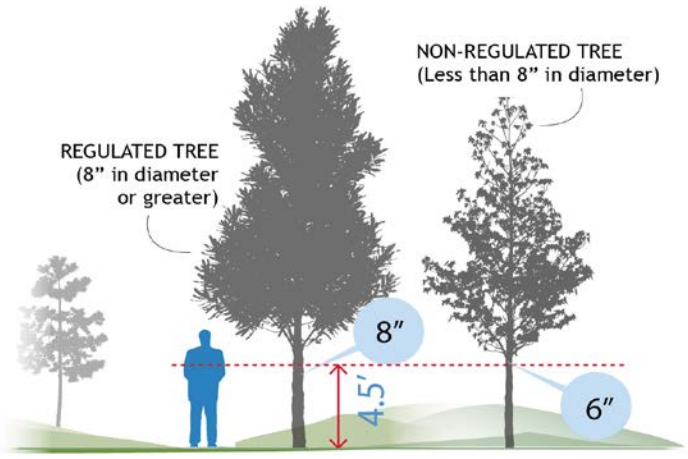


Illustration of Regulated Tree size, which is an 8-inch diameter tree measured at breast height (DBH) (4.5 feet); and what is considered a Non-Regulated Tree (less than 8 inches in diameter).

9.1013 Tree Dimension Standards

For all types of trees referenced in the Development Code, there are a number of dimension provisions related to tree replacement size as well as mature height and spread. The common tree dimension standards are listed in **Table 9.1013** of this subsection and only apply to trees that are required to be planted. The table is frequently referenced by standards in **Section 9.1000** and those found in the Design Districts. The trees must meet the minimum size requirements or approved by the Manager and shall be capable of meeting the minimum height and spread dimensions at maturity.

Table 9.1013 Minimum Size, Height and Spread Standards for Trees Planted in Accordance with the Development Code

Tree Type	**Minimum Size (caliper inches, unless noted otherwise)**	**Minimum Height at Maturity (feet)**	**Minimum Spread at Maturity (feet)**
Street	1.75	Per Approved Tree List	Per Approved Tree List
Street (intersection clear vision)	2.0	Per Approved Tree List	Per Approved Tree List
Parking Lot	2.0	35	35
Buffer	Deciduous= 2.5 Evergreen = 8 feet	Deciduous = 25 Evergreen = none	Deciduous = 25 Evergreen = none
Perimeter	1.75	none	none
Significant	2.0	none	none
Landscape /Site (single-family attached)	1.5 Evergreen = 6 feet	25	none
Landscape/Site (deciduous / design district)	2.5	25	none
Landscape/Site (ornamental/ design district)	2.0	none	none

9.1014 Approved Tree List for Required Trees

To encourage trees to be planted in the right place where they can thrive and not cause unintended property damage, all Required Trees planted within the city shall be selected from the Approved Tree List and be appropriate for the location, as approved by the Manager. Manager approval is required when a tree that is not on the Approved Tree List is proposed to be planted.

9.1020 Standards for Single-Family Detached Dwellings, Duplexes and Single-Family Attached Dwellings

This section provides rules for tree protection, removal and replacement that apply to the following uses or other similar uses as determined by the Manager.

- Single-family detached dwellings
- Duplexes
- Single-family attached dwellings
- Residential Homes

This section also provides rules for land designated for the uses described above, which are covered under the exemption provisions in **Section 9.1021**, tree removal provisions of **Section 9.1026** and tree replacement provisions of **Section 9.1027**.

9.1021 Exemptions

A. Removal of Regulated Trees (not "Required Trees" or "Significant Trees") for lots developed with or in a land use district designated for development of uses listed in 9.1020 are exempt from a development permit requirement, but a tree removal exemption form is required to be filed with the Manager, under the following conditions:

1. The Regulated Trees are not subject to conditions of approval from a previous development permit; and

2. The Regulated Trees are not in an overlay district; and

3. The Regulated Trees are not designated as Significant Trees.

4. The number of Regulated Trees removed does not exceed the following thresholds per 12-month period from the time a permit is issued:

a. For commonly owned, contiguous parcels less than 35,000 square feet: up to three Regulated Trees; or

b. For commonly owned, contiguous parcels equal to or greater than 35,000 square feet: up to six Regulated Trees.

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 **Subsection 9.1040(A)**, 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.

C. An electric utility is exempt from permit requirements when pruning trees growing in the public right of way or general utility easement, if such pruning is necessary and in accordance with state law to avoid contact with the electric facilities.

During Development

9.1022 Tree Protection During Development

A. Regulated, Required and Significant Trees. An applicant for a development permit that involves construction, installation or alteration of building or other structures, including a home addition or accessory structure, that leads to construction equipment inside the protected area of Regulated, Required, or Significant Trees to remain on the site, or:

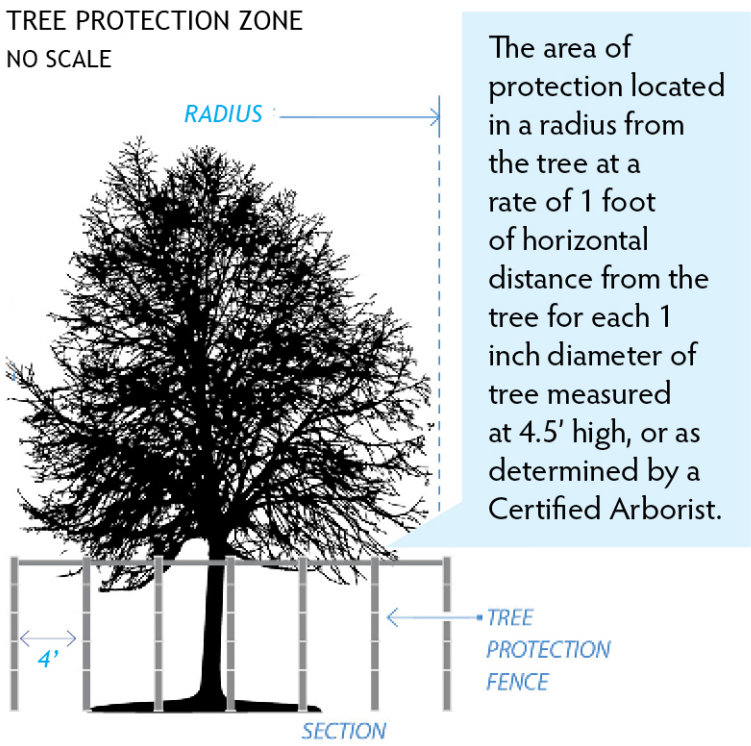
- an increase in building area or impervious surface;
- a new driveway;
- drilling, dredging, paving, excavating or clearing; or
- other activities that involve construction;

shall provide facts and evidence sufficient to enable the approval authority to make a determination in compliance with the criteria set forth in **Section 9.1022 (B)** through **(F)**, including submittal requirements requested on relevant submittal checklists maintained by the Manager.

B. Regulated, Required and Significant Trees/Significant Grove to Remain. A Tree Protection Plan shall designate as protected all Regulated, Required and Significant Trees/Significant Groves that are to remain on the site after development is complete and other trees recommended for protection by the Certified Arborist preparing the plan, if a Certified Arborist is required below. The Tree Protection Plan demonstrating all proposed tree protection is required by all applicants but only required to be prepared by a Certified Arborist if activity (including but not limited to: construction equipment traffic/maneuvering, material storage, and grading) is proposed within the tree protection zone.

A tree protection zone shall be installed with protective fencing around all Regulated, Required, and Significant Trees/Significant Grove to remain on site and shall be located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1-inch diameter of tree, or as determined by a Certified Arborist. For a Significant Grove, the perimeter of the grove shall be where the area of protection is located with the radius measured from each tree located along the perimeter of the grove, or as determined by a Certified Arborist.

Figure 9.1022 Illustration of a Tree Protection Zone



C. 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.

1. 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.

2. 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.

3. The Manager, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a Significant Grove of trees if preserving those trees would:

a. Cause the loss of ten percent or more of the total number of allowed lots or units, or

b. Cause an increase of five percent or more in the cost of installing on-site utilities.

D. No trees designated for protection or conservation shall be removed without prior written approval from the Manager.

E. Tree protection measures can be recommended by a Certified Arborist or, shall as a minimum, include the following protective measures:

1. Prior to any grubbing, clearing, grading, parking, preparation or storage of materials or machinery, or other construction activity on the site, all trees to be protected on the project site and adjacent to the site shall be clearly identified and temporary fencing shall be installed at the perimeter of the Tree Protection Zone. Protective fencing shall be of a material that cannot easily be moved, removed, or broken during construction activities. Chain link fencing a minimum of 4 feet in height is preferred. An alternative Tree Protection Zone fencing material secured by metal posts staked at no more than 4 feet on center around the Tree Protection Zone, as illustrated in **Figure 9.1022**, of the tree or grove may be used with the approval of the Manager.

2. No soil compaction or removal of vegetation or tree branches within the Tree Protection Zone shall be allowed during construction, except as outlined by a Certified Arborist in a submitted Tree Protection Plan.

3. No machinery repair or cleaning shall be performed within 10 feet of the Tree Protection Zone of any trees identified for protection.

4. Digging a trench for placement of public or private utilities or other structure within the tree protection zone of a tree to be protected is prohibited.

5. The City may require that a Certified Arborist be present during any construction or grading activities that may affect trees within the tree protection zone.

F. Changes in soil hydrology and site drainage within the tree protection zone shall be minimized. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

9.1023 Street Tree Planting During Development

A. A street tree plan shall be submitted for approval with a tentative partition, subdivision plan, Planned Development or design review. The street tree plan shall show tree spacing, number of trees and their location and meet all required characteristics noted in the submittal requirements provided by the Manager.

B. Street trees of a minimum 1.75-inch caliper are required when a land use or building permit requires street trees.

C. Except for single-family attached dwellings, street trees shall be planted every 30 feet on all street classifications, with the following additional standards:

1. On streets with a collector or higher classification, each lot, except flag lots, shall have a minimum of two trees if an interior lot and three trees if a corner lot.

2. On Local Streets: a tree is required to be planted every 30 feet along the outer curve of a cul-de-sac right-of-way.

D. For single-family attached dwellings, each lot, except flag lots, shall have a minimum of one street tree per frontage.

E. Street trees shall be located at least 15 feet from street lights, 15 feet from stormwater catch basins, and 5 feet from driveway cuts or underground public utilities.

F. No street trees shall be planted in the right-of-way within 12 feet of the nearside of the crosswalk on the vehicular approach side of the street at street intersections.

G. Street trees shall be selected from the City's Approved Tree List or other varieties as approved by the Manager.

H. The intent of the Code is that required Street Trees are planted when feasible. If site constraints make it infeasible to plant all required Street Trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the tree fund in lieu of street tree planting. A contribution shall be made for each required Street Tree not planted. The fee contribution shall be established by Council resolution. A tree fund contribution shall be approved by the Manager only when:

1. One of the following conflicts exists that makes planting infeasible:

a. One or more of the standards in **Section 9.1023(E)** through **(F)** make it infeasible to plant a tree because insufficient room remains; or

b. The development does not include planter strips that are at least 3 feet wide to accommodate the required street trees; or

c. The applicant demonstrates that the tree planted at the location would create a potential traffic, fire safety or building structural hazard; or

d. Other similar site constraints make it physically infeasible to plant the Street Tree(s), as determined by the Manager; and

2. The applicant provides evidence that generally accepted arboricultural methods to make tree planting feasible have been considered but are not appropriate in this situation. Arboricultural practices include but are not limited to meandering the sidewalk; using permeable and/or flexible pavement; incorporating structural soil; root channels (soil volumes under pavement that connect to larger soil areas); and/or enhanced drainage.

9.1024 Tree Removal During Development

A. All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.

B. Regulated and Required Trees within 10 feet of the footprint of a proposed single-family dwelling, addition or improvement may be removed with the issuance of a building permit.

C. Removal of Required and Significant Trees not removed in accordance with **Section 9.1024(B)**, except for trees in the Special Purpose Overlay Districts, shall meet the following standards:

1. Buffer trees and street trees may be removed during construction but shall be replaced in accordance with **Section 9.1025**.

2. Significant Trees shall be preserved unless the Manager determines under a Type II procedure that the tree may be removed by meeting at least one of the following criteria:

a. The tree needs to be removed to construct proposed improvements (including but not limited to the buildings; access for construction equipment; essential grade changes needed to implement standards common to standard engineering or architectural practices; space for driveways or other improvements; solar energy equipment) and no practical alternative exists without increasing the cost by more than 5 percent or reducing construction or development safety; or

b. The tree needs to be removed consistent with good urban forestry practices or cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property or to any improvements as stated in a Certified Arborist report; or

c. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance as stated in a certified arborist report; or

d. The tree needs to be removed due to a disease as stated in a certified arborist report and to accomplish a public purpose and no practical alternative exists.

D. Regulated Trees to be removed, which includes topping, during construction in excess of the thresholds in **Section 9.1021(A)**, except trees in the Special Purpose Overlay Districts, shall be reviewed under a Type II procedure.

E. All Type II tree removal permits shall adhere to the following retention criteria:

1. Trees shall be retained along Water Quality Resource Areas (as described in **Section 5.0417)** and within Habitat Conservation Area Class 1 riparian areas (as described in **Table 5.0414(A)** according to disturbance limits described within **Section 5.0400)**. A mitigation plan, prepared by a qualified natural resource specialist such as a botanist, ecologist, geomorphologist or professional wetland scientist, shall accompany any tree removal or grading plan proposed along a Water Quality Resource Areas (as described in **Section 5.0417**).

2. Conifers shall be retained in sufficiently large areas and in dense stands to ensure against wind throw.

3. The Manager may require a proposed structure to be relocated to retain trees if the relocation can be accomplished within the required setbacks and without increasing costs to the proposed development by more than 2 percent of the total improvement value, excluding land cost.

4. Any required mitigation shall be guaranteed prior to issuance of a grading permit for any portion of the site.

5. The Manager may require a mitigation plan or wind throw assessment to be provided by a Certified Arborist or a registered landscape architect.

F. When tree removal proposed is clear cutting, such clear cutting shall be allowed only when development occurs concurrently under the following conditions:

1. Shall be reviewed under a design review tree removal permit or with the issuance of a building permit when the use does not require the design review process.

2. Clear cutting shall not begin until after the applicant has obtained all development permits including the issuance of any building permits, and/or any other applicable permits necessary to ensure completion of the proposed development, and after the applicant has filed with the City a financial guarantee for landscape mitigation based on an approved plan; and

a. Erosion control measures as required under **Section 9.0514** and the Building Code shall be implemented on the site prior to the commencement of any clear cutting; and

b. Landscaping shall be required and reviewed during the design review process to mitigate the loss of existing vegetation that provides erosion control and tree canopy.

G. Tree removal in a Special Purpose Overlay District shall meet the applicable removal standards of **Section 9.1000**. All replacement requirements shall comply with applicable provisions of the Special Purpose Overlay Districts:

1. Street trees, buffer trees and landscape trees may be removed in accordance with **Subsection 9.1024(C)(1)** and shall be replaced when applicable in accordance with **Section 9.1025**; and

2. Significant Trees may be removed in accordance with **Section 9.1024(C)(2)**; and

3. For Regulated Trees:

a. Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborists report is not required. Non-native and invasive trees are identified on the official City Invasive Species List; and

b. Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require an arborist report and be reviewed under a Type II procedure; and

c. Removal of native and non-hazardous trees shall be reviewed under a Type II procedure; and

d. Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure; and

e. Type II tree removals shall meet the standards of **Section 9.1024 (E**), and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading; and

f. Removal of native or non-native trees that are determined to be hazardous or causing property damage, must follow the procedures outlined in **Section 9.1026(D**). The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, such as slope stabilization, habitat provision

and/or environmental benefits such as stream shading. A revegetation plan is not required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.

9.1025 Tree Replacement for Trees Removed During Development

A. Replacement of Required Trees shall meet the following standards as well as the replacement size, height at maturity, and spread at maturity standards in **Section 9.1013**:

1. Buffer trees and landscape/site trees shall be replaced in accordance with the originally approved landscape/buffer plan or in accordance with a new buffer or landscape/buffer plan approved for the new development as determined by the Manager; and

2. Street trees shall meet the street tree plan or the spacing requirements in **Section 9.1023**. If replanting is not feasible because of site constraints, the standards of **Section 9.1023(H)** would apply.

B. Replacement of Required Trees shall be selected from the Approved Tree List or shall be trees appropriate for the available growing space, climate conditions, soil conditions and site constraints as approved by the Manager.

Post Development

9.1026 Tree Removal Post Development

A. All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.

B. The removal of the following Required Trees shall follow a Type I procedure and meet the following standards:

1. Street trees may be removed at the property owners' discretion and shall be replaced in accordance with **Section 9.1027**. Replacement is required if the planter strip is at least 3 feet wide and tree planting is feasible given the tree spacing and locational standards of **Section 9.1023**. If the planter strip is less than 3 feet or planting is not feasible, no replacement is required.

2. Buffer trees may be removed at the property owners' discretion and shall be replaced in accordance with **Section 9.1027**.

3. Landscape/site trees may be removed at the property owners' discretion and shall be replaced in accordance with **Section 9.1027**.

C. Removal of Regulated Trees, which includes topping, that exceed the thresholds in **Section 9.1021** shall follow a Type II procedure.

D. Removal of Required and 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, or that cannot be moved or altered shall meet the following standards:

1. Trees that present an imminent hazard to the safety of people or protection of property where the hazard cannot be ameliorated through pruning or other horticultural methods may be removed immediately. Within 10 business days after the tree is removed, an application shall be filed for a Type I tree removal permit that is accompanied by documentation of the imminent hazard, such as a photograph, a report from a Certified Arborist, a signed statement from a public safety official (such as a police or fire official), a signed statement from a City employee with responsibility for tree maintenance or other evidence as determined by the Manager. An Imminent Hazard Tree removed shall not count toward the number of trees removed in a 12-month period used to determine if tree removals are exempt from a development permit in **Section 9.1021**.
2. 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, the removal of which shall be reviewed under a Type II procedure as required by **Section 9.1026(E)**.

E. Tree Removals in a Special Purpose Overlay District shall meet the standards of the overlay districts and the following standards:

1. Street trees, buffer trees and landscape trees may be removed in accordance with **Section 9.1026(B)** but shall be replaced when applicable in accordance with **Section 9.1027**.
2. Significant Trees may be removed in accordance with **Section 9.1024(C)(2)**.
3. For Regulated Trees:
   - **a.** Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborists report is not required. Non-native and invasive trees are identified on the official City Invasive Species List.
   - **b.** Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require an arborist report and be reviewed under a Type II procedure.
   - **c.** Removal of native and non-hazardous trees shall be reviewed under a Type II procedure.
   - **d.** Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure.
   - **e.** Type II tree removals shall meet the standards of **Section 9.1024(E**), and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading.
   - **f.** Removal of native or non-native trees that are determined to be hazardous or causing property damage, must follow the procedures outlined in **Section 9.1026(D**). The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading. A revegetation plan is not

required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.

F. Significant Trees that present an imminent hazard to the safety of people or protection of property where the hazard cannot be ameliorated through pruning less than 20 percent of the tree's foliage area or other horticultural methods may be removed immediately. The following standards apply:

1. Such trees shall be automatically removed from the City's Significant Tree List by the Manager.

2. If a Significant Tree receives major pruning or is removed, the property owner shall notify the Manager within two business days and an application shall be filed for a Type I tree removal permit. The applicant shall provide documentation of the emergency, such as a photograph, a report from a certified arborist, a signed statement from a public safety official (such as a police officer, fire official), a signed statement from a City employee with responsibility for tree maintenance or other evidence as determined by the Manager. When documentation is provided by someone other than a City employee, photographic evidence of the emergency and written documentation of the imminent hazard is required.

3. If a Significant Tree receives major pruning or is removed, the Manager shall notify the relevant Council Advisory Committee(s) or subcommittee(s).

G. Except for trees removed in accordance with imminent hazard provisions in subsection (F) above, no person may remove a Significant Tree without obtaining a development permit through a Type II procedure. The application shall meet at least one of the following criteria:

1. The tree needs to be removed to construct proposed improvements and no practical alternative exists without significantly increasing cost or inconvenience, or reducing safety.

2. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.

3. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

9.1027 Tree Replacement Post Development

A. Replacement of Required Trees shall meet the following standards as well as the replacement size, height at maturity, and spread at maturity standards in **Section 9.1013**:

1. For buffer trees and landscape/site trees, one tree shall be planted for each tree removed in accordance with the originally approved landscape or buffer plan or consistent with those plans and the current Code as approved by the Manager.

2. For street trees, one tree shall be planted for each tree removed in accordance with the street tree master plan or the spacing requirements in **Section 9.1023**. If replanting is not feasible because of site constraints, as determined by the Manager, no replanting is required.

B. Replacement of Required Trees shall be selected from the Approved Tree List or shall be trees appropriate for the available growing space, climate conditions, soil conditions and site constraints as approved by the Manager.

9.1030 Standards for Other Uses (Not Including Single-Family Detached Dwellings, Duplexes and Single-Family Attached Dwellings) and Parking Lots

This section provides rules for tree protection, removal and replacement that apply to parking lots, all land divisions and other uses than those listed in **Section 9.1020**, including but not limited to:

- Attached dwellings on a single lot
- Elderly housing and residential facilities
- Manufactured dwelling parks
- Commercial uses
- Industrial uses
- Institutional uses

This section also provides rules for land designated for the uses described above, which are covered under the exemption provisions in **Section 9.1031**, tree removal provisions of **Section 9.1036** and tree replacement provisions of **Section 9.1037**.

9.1031 Exemptions

A. Removal of Regulated Trees for lots developed with or in a land use district designated for development of uses listed in 9.1030 are exempt from a development permit requirement, but a tree removal exemption form is required to be filed with the Manager, under the following conditions:

1. The Regulated Trees are not subject to conditions of approval from a previous development permit; and

2. The Regulated Trees are not in an overlay district; and

3. The Regulated Trees are not designated as Significant Trees; and

4. The number of Regulated Trees removed shall not exceed the following thresholds per 12-month period from the time a permit is issued:

a. For commonly owned, contiguous parcels less than 35,000 square feet: up to three Regulated Trees; or

b. For commonly owned, contiguous parcels equal to or greater than 35,000 square feet: up to six Regulated Trees.

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 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.

C. An electric utility is exempt from permit requirements when pruning trees growing in the public right of way or general utility easement, if such pruning is necessary and in accordance with state law to avoid contact with the electric facilities.

During Development

9.1032 Tree Protection During Development

A. Regulated, Required and Significant Trees. An applicant for a development permit that involves construction, installation or alteration of building or other structures, including a home addition or accessory structure, that leads to construction equipment inside the protected area of Regulated, Required, or Significant Trees to remain on the site, or:

- an increase in building area or impervious surface;
- a new driveway;
- drilling, dredging, paving, excavating or clearing; or
- other activities that involve construction;

shall provide facts and evidence sufficient to enable the approval authority to make a determination in compliance with the criteria set forth in **Section 9.1032 (B)** through **(F)**, including submittal requirements requested on relevant submittal checklists maintained by the Manager.

B. Regulated, Required and Significant Trees/Significant Grove to Remain. A Tree Protection Plan shall designate as protected all Regulated, Required and Significant Trees/Significant Groves that are to remain on the site after development is complete and other trees recommended for protection by the Certified Arborist preparing the plan, if a Certified Arborist is required below. The Tree Protection Plan demonstrating all proposed tree protection is required by all applicants but only required to be prepared by a Certified Arborist if activity (including but not limited to: construction equipment traffic/maneuvering, material storage, and grading) is proposed within the tree protection zone.

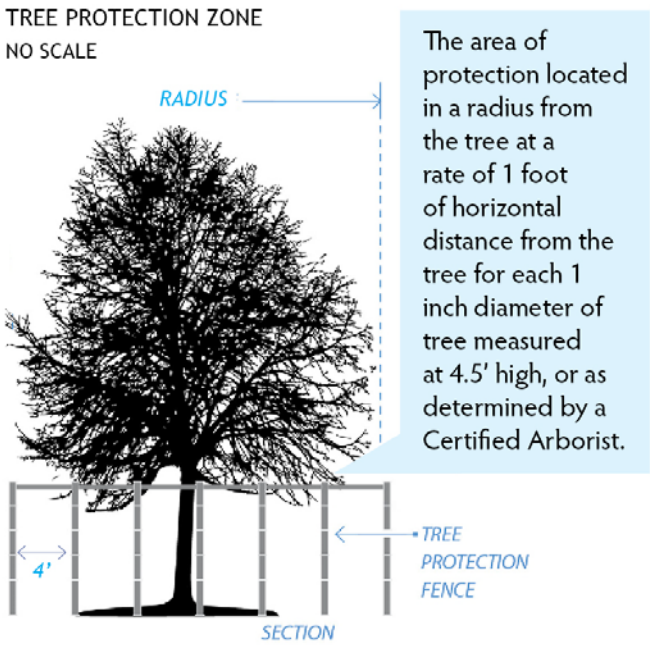
A tree protection zone shall be installed with protective fencing around all Regulated, Required, and Significant Trees/Significant Grove to remain on site and shall be located in a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1 inch diameter of tree, or as determined by a Certified Arborist. For a Significant Grove, the perimeter of the grove shall be where the area of protection is located with the radius measured from each tree located along the perimeter of the grove.

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.

1. 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.

2. 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.
3. The Manager, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a Significant Grove of trees if preserving those trees would:
    a. Cause the loss of ten percent or more of the total number of allowed lots or units, or
    b. Cause an increase of five percent or more in the cost of installing on-site utilities

Figure 9.1032 Illustration of a Tree Protection Zone



D. No trees designated for protection or conservation shall be removed without prior written approval from the Manager.

E. Tree protection measures can be recommended by a Certified Arborist or, shall as a minimum, include the following protective measures:

1. Prior to any grubbing, clearing, grading, parking, preparation or storage of materials or machinery, or other construction activity on the site, all trees to be protected on the project site and adjacent to the site shall be clearly identified and temporary fencing shall be installed at the perimeter of the Tree Protection Zone. Protective fencing shall be of a material that cannot easily be moved, removed, or broken during construction activities. Chain link fencing a minimum of 4 feet in height is preferred. An alternative Tree Protection Zone fencing material secured by metal posts staked at no more than 4 feet on center around the Tree Protection Zone, as illustrated in **Figure 9.1032**, of the tree or grove may be used with the approval of the Manager.

2. No soil compaction or removal of vegetation or tree branches within the Tree Protection Zone shall be allowed during construction, except as outlined by a Certified Arborist in a submitted Tree Protection Plan.

3. No machinery repair or cleaning shall be performed within 10 feet of the Tree Protection Zone of any trees identified for protection.

4. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited.

5. The City may require that a Certified Arborist be present during any construction or grading activities that may affect trees within the tree protection zone.

F. Changes in soil hydrology and site drainage within the tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

9.1033 Street Tree Planting During Development

A. A street tree plan shall be submitted for approval with a tentative partition, subdivision plan, Planned Development or design review. The street tree plan shall show tree spacing, number of trees and their location and meet all required characteristics noted in the submittal requirements on relevant submittal checklists maintained by the Manager.

B. Street trees of a minimum 1.75-inch caliper are required when a land use or building permit requires street trees.

C. The number and spacing of required street trees shall meet the following standards:

1. Number: On all street classifications, one tree shall be required for every 30 feet of frontage minus the clear vision area and driveways.

2. Spacing: Trees shall be placed a minimum of 20 feet and a maximum of 40 feet apart. The spacing requirement may be modified by the Manager.

D. Street trees shall be located at least 15 feet from street lights, 15 feet from stormwater catch basins, and 5 feet from driveway cuts or underground public utilities.

E. No street trees shall be planted in the right-of-way within 12 feet of the nearside of the crosswalk on the vehicular approach side of the street at street intersections.

F. Street trees shall be selected from the City's Approved Tree List or other varieties as approved by the Manager.

G. For new development, if site constraints make it infeasible to plant all required street trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the tree fund in lieu of street tree planting. A contribution shall be made for each required street tree not planted. For applications related to non-conforming development, as determined by the Manager, a contribution shall be made for each required street tree not planted, but the contribution shall be limited by the 10 percent cost limitation found in **Section 8.0202** Design Review Standards. The fee contribution shall be established by Council resolution.

H. The intent of the Code is that required Street Trees are planted when feasible. If site constraints make it infeasible to plant all required Street Trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the tree fund in lieu of street tree planting. A contribution shall be made for each required Street Tree not planted. The fee contribution shall be established by Council resolution. A tree fund contribution shall be approved by the Manager only when:

1. One of the following conflicts exists that makes planting infeasible:

a. One or more of the standards in **Section 9.1033(D)** and **(E)** make it infeasible to plant a tree because insufficient room remains; or

b. The development does not include planter strips that are at least 3 feet wide to accommodate the required street trees; or

c. The applicant demonstrates that the tree planted at the location would create a potential traffic, fire safety or building structural hazard; or

d. Other similar site constraints make it physically infeasible to plant the Street Tree(s), as determined by the Manager; and

2. The applicant provides evidence that generally accepted arboricultural methods to make tree planting feasible have been considered but are not appropriate in this situation. Arboricultural practices include but are not limited to meandering the sidewalk; using permeable and/or flexible pavement; incorporating structural soil; root channels (soil volumes under pavement that connect to larger soil areas); and/or enhanced drainage.

9.1034 Tree Removal During Development

A. All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.

B. Removal of Required and Significant Trees, except for trees in the Special Purpose Overlay Districts, shall meet the following standards:

1. Buffer trees, parking lot trees, landscape/site and street trees may be removed during construction in accordance with an approved land use permit but shall be replaced in accordance with **Section 9.1035**.

2. Perimeter Trees may be removed during construction in accordance with an approved land use permit. If no land use permit has been acquired, Perimeter Tree removal shall be reviewed under a Type I procedure. Applicants shall meet the removal standards in **Section 9.1034(D)(6)** and **(7)**. Perimeter trees removed as a result of land division shall be replaced in accordance with **Section 9.1035**.

3. Significant Trees shall be preserved unless the Manager determines under a Type II procedure that the tree may be removed by meeting at least one of the following criteria:

a. The tree needs to be removed to construct proposed improvements (including but not limited to the buildings; access for construction equipment; essential grade changes needed to implement standards common to standard engineering or architectural practices; space for driveways or other improvements; solar energy equipment); and no practical alternative exists without increasing the cost by more than 5 percent or reducing construction or development safety; or

b. The tree needs to be removed consistent with good urban forestry practices or cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property or to any improvements as stated in a Certified Arborist report; or

c. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance; or

d. The tree needs to be removed due to a disease as stated in a certified arborist report and to accomplish a public purpose and no practical alternative exists.

C. Regulated Trees to be removed, which includes topping, during construction in excess of the thresholds in **Section 9.1031(A)**, except for trees in the Special Purpose Overlay Districts, shall be reviewed under a Type II procedure.

D. All Type II tree removal permits shall adhere to the following retention criteria:

1. Trees shall be retained along Water Quality Resource Areas (as described in **Section 5.0417)** and within Habitat Conservation Area Class 1 riparian areas (as described in **Table 5.0414(A)** according to disturbance limits described within **Section 5.0400)**. A mitigation plan, prepared by a qualified natural resource specialist such as a botanist, ecologist, geomorphologist or professional wetland scientist, shall accompany any tree removal or grading plan proposed along a Water Quality Resource Area (as described in **Section 5.0417**).

2. Conifers shall be retained in sufficiently large areas and in dense stands to ensure against wind throw.

3. The Manager may require a proposed structure to be relocated to retain trees if the relocation can be accomplished within the required setbacks and without increasing costs to the proposed development by more than 2 percent of the total improvement value, excluding land cost.

4. Any required mitigation shall be guaranteed prior to issuance of a grading permit for any portion of the site.

5. The Manager may require a mitigation plan or wind throw assessment to be provided by a Certified Arborist or a registered landscape architect.

6. Health reasons to remove a Required Tree include:

a. The tree shows an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.

b. The tree is infested with pests or disease that left untreated can lead to death.

c. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline.

7. Non-Health reasons to remove a Required Tree include:

a. The tree blocks vision for motorists.

b. The tree causes sidewalk upheaval.

c. There is a crime prevention concern associated with the Required Tree that cannot be ameliorated with proper pruning techniques.

d. The tree interferes with right-of-way objects, such as driveways and light poles.

e. The tree presents a potential hazard for property or people.

f. Other reason as approved by the Manager.

E. When tree removal proposed is clear cutting, such clear cutting shall be allowed only when development occurs concurrently under the following conditions:

1. Shall be reviewed under a design review tree removal permit or with the issuance of a building permit when the use does not require the design review process.

2. Clear cutting shall not begin until after the applicant has obtained all development permits including the issuance of any building permits, and/or any other applicable permits necessary to ensure completion of the proposed development, and after the applicant has filed with the City a financial guarantee for landscape mitigation based on an approved plan; and

a. Erosion control measures as required under **Section 9.0514** and the Building Code shall be implemented on the site prior to the commencement of any clear cutting; and

b. Landscaping shall be required and reviewed during the design review process to mitigate the loss of existing vegetation that provides erosion control and tree canopy.

F. When the tree removal proposed is clear cutting for Industrial uses when development does not occur concurrently, such clear cutting shall only be allowed under the following conditions:

1. Shall be reviewed under a Type II Development Permit for tree removal and if needed, a grading permit. When the tree removal does not include grading, such as in the case of cutting trees to stumps but not removing them, then a grading permit is not required.

2. Clear cutting shall not begin until after the applicant has:

a. Filed with the City a financial guarantee for landscape mitigation based on an approved plan; and

b. Landscaping shall be required and reviewed during the Type II procedure to mitigate the loss of existing vegetation that provides erosion control and tree canopy; and

c. Erosion control measures as required under **Section 9.0514** and the Building Code shall be implemented on the site prior to the commencement of any clear cutting; and

d. Erosion control measures, such as spraying the site with hydroseed, will be required after the trees are removed.

G. Tree removal in a Special Purpose Overlay District shall meet the applicable removal standards of **Section 9.1000**. All replacement requirements shall comply with applicable provisions of the Special Purpose Overlay Districts:

1. Street trees, parking lot trees, buffer trees, perimeter trees and landscape trees may be removed in accordance with **Subsection 9.1034(B)** and shall be replaced when applicable in accordance with **Section 9.1035**.

2. Significant Trees may be removed in accordance with **Section 9.1034(B)(3)**.

3. For Regulated Trees:

a. Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborists report is not required. Non-native and invasive trees are identified on the official City Invasive Species List.

b. Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require an arborist report and be reviewed under a Type II procedure.

c. Removal of native and non-hazardous trees shall be reviewed under a Type II procedure.

d. Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure.

e. Type II tree removals shall meet the standards of **Section 9.1034(D**), and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading.

f. Removal of native or non-native trees that are determined to be hazardous or causing property damage, must follow the procedures outlined in **Section 9.1026(D**). The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading. A revegetation plan is not required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.

9.1035 Tree Replacement During Development

A. Replacement of Required Trees shall meet the following standards as well as the replacement size, height at maturity, and spread at maturity standards in **Section 9.1013**:

1. For trees less than 24 inches in diameter:

a. Buffer trees, parking lot trees and landscape/site trees shall be replaced in accordance with the originally approved landscape/buffer plan or in accordance with a new buffer or landscape/buffer plan approved for the new development as determined by the Manager.

b. For Perimeter Trees, each tree removed shall be replaced by one replacement tree.

c. Street trees shall be replaced in accordance with a street tree plan or the spacing requirements in **Section 9.1033**.

2. For trees 24 inches in diameter or larger:

a. Buffer trees and parking lot trees shall be replaced at the rate of 1 caliper inch per 4 inches of tree removed, although in no case shall that calculation result in fewer than one replacement tree for each tree removed.

b. Landscape/site trees shall be replaced in accordance with the originally approved landscape/buffer plan or in accordance with a new buffer or landscape/buffer plan approved for the new development as determined by the Manager.

c. For Perimeter Trees, each tree removed shall be replaced at the rate of 1 caliper inch per 4 inches of tree removed, although in no case shall that calculation result in fewer than one replacement tree for each tree removed.

d. Street trees shall be replaced in accordance with a street tree plan or the spacing requirements in **Section 9.1033**.

B. Replacement of Required Trees shall be selected from the Approved Tree List or shall be trees appropriate for the available growing space, climate conditions, soil conditions and site constraints as approved by the Manager.

C. The intent of the Code is that Required Trees are planted when feasible. If site constraints make it infeasible to plant all required trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the tree fund in lieu of tree planting. A contribution shall be made for each required tree not planted. The fee contribution shall be set by Council resolution. Tree fund contributions related to standards in **Section 9.1035** shall be approved by the Manager only when:

1. One of the following conflicts exists that makes the planting infeasible:

a. Infrastructure (such as but not limited to water lines, sewer lines, catch basins, and light poles) conflicts make it infeasible to plant a tree because insufficient room remains; or

b. For Street Trees, the development does not include planter strips that are at least 3 feet wide to accommodate required street trees; or

c. Planting all the Required Trees would create tree crowding that would affect tree health or interfere with the use of the property in a way that cannot be not be avoided by pruning or other accepted arboricultural practices; or

d. The applicant demonstrates that the tree planted at the location would create a potential traffic, fire safety or building structural hazard; or

e. Other similar site constraints make it physically infeasible to plant the required trees, as determined by the Manager; and

2. The applicant provides evidence that generally accepted arboricultural methods to make tree planting feasible have been considered but are not appropriate in this situation. Arboricultural practices include but are not limited to meandering a sidewalk; using permeable and/or flexible pavement; incorporating structural soil; root channels (soil volumes under pavement that connect to larger soil areas); and/or enhanced drainage.

Post Development

9.1036 Tree Removal Post Development

A. All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside Physical Constraint Overlay District is prohibited.

B. Removal of the following Required Trees shall follow a Type I procedure and meet the following standards:

1. Street trees may be removed in accordance with the health and non-health related reasons in **Section 9.1034 (D)(6)** and **(D)(7)** and shall be replaced in accordance with **Section 9.1037**. Replacement is required if the planter strip is at least 3 feet wide and tree planting is feasible given the tree spacing and locational standards of **Section 9.1033**. If the planter strip is less than 3 feet or planting is not feasible, no replacement is required.

2. Parking lot trees may be removed in accordance with the health and non-health related reasons in **Section 9.1034 (D)(6) and (D)(7)** and shall be replaced in accordance with **Section 9.1037**.

3. Buffer trees may be removed in accordance with the health and non-health related reasons in **Section 9.1034 (D)(6) and (D)(7)** and shall be replaced in accordance with **Section 9.1037**.

4. Landscape trees may be removed in accordance with the health and non-health related reasons in **Section 9.1034 (D)(6) and (D)(7)** and shall be replaced in accordance with **Section 9.1037**.

C. Removal of Regulated Trees, which includes topping, that exceed the thresholds in **Section 9.1031** shall be reviewed under a Type II procedure.

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:

1. Trees that present an imminent hazard to the safety of people or protection of property where the hazard cannot be ameliorated through pruning or other horticultural methods may be removed immediately. Within 10 business days after the tree is removed, an application shall be filed for a Type I tree removal permit that is accompanied by documentation of the imminent hazard, such as a photograph, a report from a Certified Arborist, a signed statement from a public safety official (such as a police or fire official), a signed statement from a City employee with responsibility for tree maintenance or other evidence as determined by the Manager. An Imminent Hazard Tree removed shall not count toward the number of trees removed in a 12-month period used to determine if tree removals are exempt from a development permit in **Section 9.1031**.

2. 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, the removal of which shall be reviewed under a Type II procedure, as required by **Section 9.1036(E)**.

E. Tree removal in a Special Purpose Overlay District shall meet the applicable removal standards of **Section 9.1000**. All replacement requirements shall comply with applicable provisions of the Special Purpose Overlay Districts:

1. Street trees, buffer trees, parking lot trees and landscape trees may be removed in accordance with **Section 9.1036(B)** but shall be replaced when applicable in accordance with **Section 9.1037**.

2. Significant Trees may be removed in accordance with **Subsection 9.1034(B)(3)**.

3. For Regulated Trees:

a. Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborists report is not required. Non-native and invasive trees are identified on the official City Invasive Species List.

b. Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require an arborist report and be reviewed under a Type II procedure.

c. Removal of native and non-hazardous trees shall be reviewed under a Type II procedure.

d. Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure.

e. Type II tree removals shall meet the standards of **Section 9.1034(D**), and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading.

f. Removal of native or non-native trees that are determined to be hazardous or causing property damage, must follow the procedures outlined in **Section 9.1036(D**). The applicant shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that meets the revegetation standards of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading. A revegetation plan is not required if the tree was removed on land with a zero slope located within the Hillside Physical Constraint Overlay District.

F. Significant Trees that present an imminent hazard to the safety of people or protection of property where the hazard cannot be ameliorated through pruning less than 20 percent of the tree's foliage area or other horticultural methods may be removed immediately. The following standards apply:

1. Such trees shall be automatically removed from the City's Significant Tree List by the Manager.

2. If a Significant Tree receives major pruning or is removed, the property owner shall notify the Manager within two business days and an application shall be filed for a Type I tree removal permit. The applicant shall provide documentation of the emergency, such as a photograph, a report from a certified arborist, a signed statement from a public safety official

(such as a police officer, fire official), a signed statement from a City employee with responsibility for tree maintenance or other evidence as determined by the Manager. When documentation is provided by someone other than a City employee, photographic evidence of the emergency and written documentation of the imminent hazard is required.

3. If a Significant Tree receives major pruning or is removed, the Manager shall notify the relevant Council Advisory Committee(s) or subcommittee(s).

G. Except for trees removed during development or in accordance with imminent hazard provisions in subsection (F) above, no person may remove a Significant Tree without obtaining a development permit through a Type II procedure. The application shall meet at least one of the following criteria:

1. The tree needs to be removed to construct proposed improvements and no practical alternative exists without significantly increasing cost or inconvenience, or reducing safety.

2. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.

3. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

9.1037 Tree Replacement Post Development

A. Replacement of Required Trees shall meet the following standards as well as the replacement size, height at maturity, and spread at maturity standards in **Section 9.1013**.

1. For trees less than 24 inches in diameter:

a. Buffer trees, parking lot trees and landscape/site trees shall be replaced in accordance with the originally approved landscape/buffer plan or in accordance with a new buffer or landscape/buffer plan approved for the new development as determined by the Manager.

b. Street trees shall be replaced in accordance with a street tree master plan or the spacing requirements in **Section 9.1033**.

2. For trees 24 inches in diameter or larger:

a. Buffer trees and parking lot trees shall be replaced at the rate of 1 caliper inch per 4 inches of tree removed, although in no case shall that calculation result in fewer than one tree.

b. Landscape/site trees shall be replaced in accordance with the originally approved landscape/buffer plan or as determined by the Manager.

c. Street trees shall be replaced in accordance with a street tree master plan or the spacing requirements in **Section 9.1033**.

B. Replacement of Required Trees shall be selected from the Approved Tree List or shall be trees appropriate for the available growing space, climate conditions, soil conditions and site constraints as approved by the Manager.

C. The intent of the Code is that Required Trees are planted when feasible. If site constraints make it infeasible to plant all required trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the tree fund in lieu of tree planting. A contribution shall be made for each required street tree not planted. The fee contribution shall be set by Council resolution. Tree fund contributions related to standards in **Section 9.1037** shall be approved by the Manager only when:

1. One of the following conflicts exists that makes the planting infeasible:

a. Infrastructure (such as but not limited to water lines, sewer lines, catch basins, and light poles) conflicts make it infeasible to plant a tree because insufficient room remains; or

b. For Street Trees, the development does not include planter strips that are at least 3 feet wide to accommodate required street trees; or

c. Planting all the Required Trees would create tree crowding that would affect tree health or interfere with the use of the property in a way that cannot be not be avoided by pruning or other accepted arboricultural practices; or

d. The applicant demonstrates that the tree planted at the location would create a potential traffic, fire safety or building structural hazard; or

e. Other similar site constraints make it physically infeasible to plant the required trees, as determined by the Manager; and

2. The applicant provides evidence that generally accepted arboricultural methods to make tree planting feasible have been considered but are not appropriate in this situation. Arboricultural practices include but are not limited to meandering a sidewalk; using permeable and/or flexible pavement; incorporating structural soil; root channels (soil volumes under pavement that connect to larger soil areas); and/or enhanced drainage.

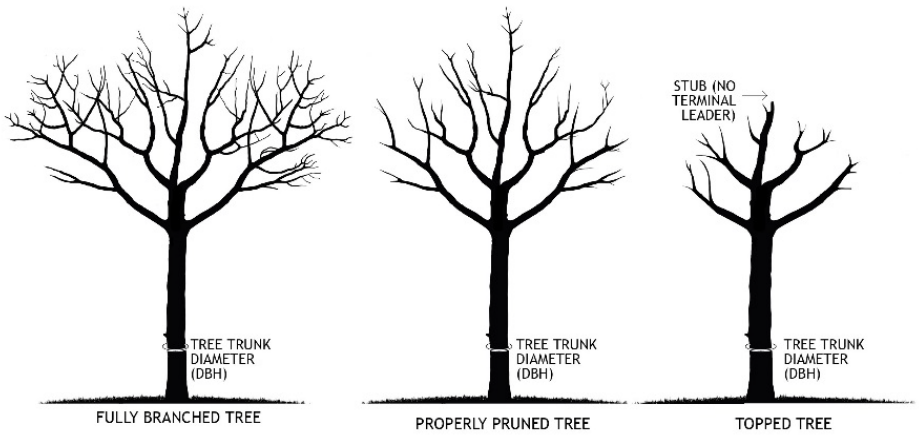
9.1040 Pruning of Required and Significant Trees

A. Street trees shall be pruned in accordance with the most recent ANSI (American National Standards Institute) A300-1995 standards or other more recent standard arboricultural practices approved by the City. Major pruning (as identified in **Article 3**) of any street tree within the public right-of-way may be required by the Manager to be performed by a Certified Arborist.

B. Significant Trees may not be pruned more than 20% of their limb structure, nor may the root system be disturbed by more than 10% in any 12-month period without a development permit. All pruning of a Significant Tree shall be performed by a Certified Arborist in accordance with ANSI (American National Standards Institute) A300-1995 standards or other more recent standard arboricultural practices approved by the City.

C. Tree Topping, as defined in **Article 3,** of Required Trees must be replaced through the applicable Type I Permit.

Diagram 3: Tree Pruning Diagram



9.1050 Significant Trees

9.1051 Purpose

The City has developed standards and procedures to protect trees that have been determined to be of significant value to the community because of their exceptional beauty, distinctive size or shape, association with an historic person or event, or a functional aesthetic relationship to a visual or natural resource.

The following provisions are intended to help protect the natural beauty of the City for future generations and to enhance the long-term value of those trees that meet the criteria for inclusion in the Significant Tree Inventory. Significant Tree protection rules are located in **Sections 9.1022** and **9.1032**. Significant Tree removal rules are located in **Sections 9.1024, 9.1026, 9.1034** and **9.1036.** Significant Tree pruning rules are in **Section 9.1040**.

9.1052 Procedures for Designating, Maintaining, and De-Listing of Significant Trees and Groves

A. The City has developed a list of Significant Trees, which may be updated on a periodic basis.

B. The Significant Tree designation may be applied to a tree or a grove of trees and may be nominated by any person, agency, or group, with property owner's consent.

C. The Significant Tree list shall be reviewed by the Urban Forestry Subcommittee to consider modifications. The review shall address any potential new candidates and may include a consideration criterion for inclusion on the list.

D. The Urban Forestry Subcommittee shall complete the following steps as part of the review and update:

1. Solicit Significant Tree nominations.

2. Make a physical evaluation of each potential new nominee.

3. Develop findings that evaluate the new candidates for conformance with the criteria found in **Section 9.1053**.

4. Solicit written consent from affected property owners for the proposed final recommendations.

5. Develop a list of recommended Significant Trees, to include any potential new candidates. The recommended list may also address the potential de-listing of any Significant Trees that no longer meet standards for inclusion on the list (see also emergency removal provisions below).

6. The Committee's recommendations shall be submitted to the Manager for review and approval pursuant to the Type II procedures.

7. In the event that a property owner wishes to remove a tree from the Significant Tree List at any time other than during the Urban Forestry Subcommittee review and update, the property owner shall be subject to a Type II procedure unless one of the following occurs:

a. A majority of the Urban Forestry Subcommittee determines that the tree can be removed with the written withdrawal of the owner consent, in which case the tree will automatically be de-listed.

b. A majority of the Urban Forestry Subcommittee determines that the tree has become a hazard in need of immediate removal, in which case the tree will automatically be de-listed; or

c. The tree meets the criteria for immediate removal as an imminent hazard under the provisions of **Section 9.1026 or 9.1036**.

8. To ensure that trees are qualified to remain on the list once designated, the Urban Forestry Subcommittee shall make a partial physical inventory and review of all trees with each Tree and Grove to receive an on-site visit and analysis at least every four years.

9.1053 Criteria for Designation of Significant Trees

A. An individual tree may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:

1. The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Significant status; or

2. The tree possesses exceptional beauty which warrants a Significant status; or

3. The tree is Significant due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridgelines; or

4. The tree has a documented association with a historical figure, property, or significant historic event.

B. A grove may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:

1. The grove is relatively mature and evenly aged and has a purity of species composition or is of a rare or unusual nature; or

2. The grove has a crucial functional and/or aesthetic relationship to a natural resource; or

3. The grove has a documented association with a historic figure, property, or significant historic event.

C. In addition to subsections (A) and (B) above, the designation of the tree or grove of trees as Significant will not unreasonably interfere with the use of the property upon which it is located.

9.1054 Significant Tree Education and Promotion

The Council may establish public information and education programs to encourage the protection of trees. At a minimum, the City shall review its inventory of Significant Trees and notify property owners at four-year intervals by first class mail of the existence of a Significant Tree or Trees on their property. The notice shall include a description of the tree preservation regulations and suggested maintenance standards for the tree or trees.

Although not mandatory, owners of Significant Trees or Groves are encouraged to file a document with Multnomah County Deed Records that identifies the presence of the Significant Tree or Trees on their property.

The City's updated list of Significant Trees and Groves shall be maintained on-line and shall also be available to the public in printed form.

9.1060 Civil Penalties

A. A violation shall have occurred when any requirement or provision of **Section 9.1000** has not been complied with. Violation of any provision of **Section 9.1000** may be subject to enforcement action by the Manager, and may be enforced pursuant to **Gresham Revised Code Article 7.50**.

B. Each day a violation continues to exist shall constitute a separate violation for which a separate civil penalty may be assessed. The provisions of **Gresham Revised Code 7.50.730** through **Gresham Revised Code 7.50.760** shall apply to the imposition of civil penalties under **Section 9.1000**.

C. In addition to any other penalty provided by law and the remedies established in **Article 2** of the **Gresham Community Development Code**, any person determined to be responsible for violation of any of the provisions of **Section 9.1000** may be required to 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.

D. The Manager may enter any property in accordance with **Gresham Revised Code 7.50.500** through **Gresham Revised Code 7.50.520**, to perform an inspection in order to ensure compliance with any provision of **Section 9.1000**.