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

CB 12-20

ORDINANCE NO.

AMENDMENTS TO VOLUME 1, FINDINGS, VOLUME 2, POLICIES AND SUMMARY, AND VOLUME 3, DEVELOPMENT CODE OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN, REGARDING THE ENVIRONMENTAL OVERLAY PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 1, Findings, 2.000 Natural Environment, Section 2.200 Physical Constraints is amended as follows:

Proposed Text Amendment	***Commentary***
2.220 Soil Constraints The suitability of soil type for urban uses is a result of the combination of several factors. Steepness of slope, underlying surficial deposit, hydrologic characteristics and particle size. Gresham soils are moderately deep to deep, usually poorly drained with high silt and clay content. Soil characteristics which post constraints upon urban uses in Gresham include high water tables, slow percolation, low bearing strength, rapid runoff and erosion. One or more of these features may cause constraints upon development. When combined with steep slopes, limiting factors are increased in severity, creating potential hazards to life and property. Steep slopes may also be considered as a limiting factor separate from other soil features. The occurrence of steep slopes alone is a severely limiting factor regardless of soil type. Soils with severe limitations have features such as steep slopes, bedrock near surface, flood hazards, a seasonal high water table or low bearing strength. Major soil reclamation or special construction design are required to overcome the limitations. It is difficult and costly to overcome the limiting factors.	

Soils in Gresham pose severe constraints for urban uses in two distinct ways: Intrinsic soil characteristics unrelated to steepness of slope; and soils which pose constraints only because of steepness of slope ~~(over 15% slope).~~	*Updated to reflect the basis of the HGRO*
2.221 Intrinsically Poor Urban Use Soils Cascade silt loam and Powell silt loam pose inherently severe constraints for urban uses. Perched high water tables, 18" to 24" from the surface during the rainy season, slow permeability, and wetness are the limiting factors. Differential settling potential exists and special drainage is required to prevent property damage. Even homes without basements require foundation drains. Site drainage must be planned for all developments. Construction practices should minimize vegetation removal and occur during the dry season. Development on~~A~~t slopes with these soils ~~over 15%, these soils~~ have runoff and erosion problems with potential for mudslides and other earth movement during the rainy season when soils become saturated. Cascade silt loam and Powell silt loam occur throughout the entire southern half of Gresham. ***	*Updated to reflect the basis of the HGRO*
2.222 Soils with Severe Constraints Only on Steeper Slopes ~~Over 15%~~ Latourell loam and Multnomah silt loam are good for urban development on low to moderate~~slopes from 0-15%~~. The soils are deep and~~,~~ well-drained~~, and suitable for septic tanks~~. Severe constraints occur only when they are found on steep slopes. These soils extend south from the northern City limits to Johnson Creek in the west and to Burlingame Creek in the east. The Quatama loam soils occur in minor amounts near the northeastern edge of Gresham. ~~The single constraint at slopes under 15% is suitable for septic tanks.~~	*Updated to reflect the basis of the HGRO*

2.251 Physical Constraints in Gresham Geologic foundations, soil types, slopes, and hydrologic features combine to create constraints on urban uses. In some cases, constraints may be overcome through design, engineering, and construction practices. In other instances, the risks involved, and the consequences to adjacent land of mitigating the limitations require that land use designations be applied to minimize hazardous conditions. Within Gresham, the hillsides are the critical element to which most physical constraints are related. Concerning geologic hazards, slopes over 35% are high in potential for landslides and earthquake damage. while it is technically possible to install improvements by engineering for these extremely steep slopes, very steep hillside development involves severe risks. Alteration of hillsides over 35% by vegetation removal, surfacing with impervious material and increasing the bearing load may easily trigger landslides, endangering downslope improvements as well as the steep slope areas. Development of steep hillsides greatly increases the amount and rate of surface runoff, increasing the severity of flooding. Costs and difficulties of installing sewer and water lines in steep hillsides are very high. Septic tanks are completely unsuited for steep hillsides. Ice build-up during freezing temperatures makes access, maintenance, and emergency services delivery virtually impossible. Improper construction practices, site design and drainage on landslide prone areas~~hillsides over 15% slope~~ result~~s~~ in erosion and deposition, triggers earthflows and increases flood severity by contributing to surface runoff. Construction or development in areas identified by DOGAMI IMS57 as at High or Moderate Risk for deep-seated landslides or high risk for shallow landslides ~~on slopes over 15%~~involves severe constraints for urban uses regardless of soil type, and must be appropriately designed and constructed to minimize adverse effects. ***	*Updated to reflect the basis of the HGRO*

Section 2. Volume 1, Findings, 2.000 Natural Environment, Section 2.300 Natural Resources is amended as follows:

Proposed Text Amendment	***Commentary***
2.370 Resource Conflicts Potential conflicts with preservation of Gresham's significant natural resources have been found and documented in the Inventory of Significant Natural Resources and Open spaces. Similarly, conflicting uses have been identified for other types of natural resources, including mineral and aggregate resources, and outstanding scenic views and sites. A concern for protecting the most important of the community's natural	

resources while accommodating urban development leads to programs which limit conflicting uses to the extent necessary to achieve a balance between these conflicts. Uncontrolled urban development, if allowed to proceed without limits in sensitive areas, conflicts with Statewide Land Use Goal 5, "To Conserve Open space and Protect Natural and Scenic Resources." Uncontrolled development of forested hillsides and sensitive floodplain areas is also in conflict with the intent of Statewide Land Use Goal 7, "To Protect Life and Property from Natural Disasters and Hazards." Regulation of development to minimize the threat of natural hazards therefore results, in many cases, in conservation of Gresham's significant natural resources. Extremely steep slopes (those in excess of 35%) pose severe constraints upon urban uses and should be subject to only minimal alteration or development activity. In addition to benefiting drainage management and preventing hazardous conditions, prohibition of steep slope development protects open space, forested areas, fish and wildlife habitat, and scenic resources. Prohibition of development in sensitive natural areas benefits flood control efforts, reduces flood hazards, improves drainage management, preserves riparian vegetation, and protects fish and wildlife habitat. ~~Total floodplain acreage in Gresham amounts to approximately 560 acres. Roughly half 90% of this acreage~~, There is floodplain throughout the City in areas adjacent to Johnson Creek, Kelley Creek, Kelly Creek, Beaver Creek, Butler Creek, Hogan Creek, Brick Creek, Brigman Creek, North Fork Johnson Creek, McNutt Creek, Badger Creek, Sunshine Creek, Jenne Creek, and portions of Burlingame Creek, Botefur Creek, Heiny Creek, Fairview Creek and Columbia Slough. 90% of the floodplain is also~~, have been~~ designated also as significant natural resource areas. ~~Total acreage in excess of 35% slopes has been estimated at 618 acres.~~ ~~Slopes between 15%-35%,~~ Landslide prone slopes with particular soil types, although posing severe constraints upon urban development, are appropriate for low-density uses if planned to overcome the particular constraints and if appropriate construction and site design requirements are followed. Where landslide prone slopes ~~between 15%-35%~~ coincide with natural resources, such as wildlife habitat, a resource use conflict may occur, as discussed in the Inventory of Significant Natural Resources and Open spaces, adopted as an appendix to the Community Development Plan. Special regulations and guidelines for development within ~~areas of 15%-35% slopes~~landslide prone areas can minimize resource use conflicts and accommodate urban growth while maintaining important natural resources. Regulations which minimize vegetation removal, preserve open space, and impose erosion and drainage controls are examples of actions which resolve conflicts between development needs and natural resources. In particular, prohibition of large-scale, commercial timber harvesting operations in steep slope areas would conserve soil, stabilize slopes, protect wildlife habitat, and preserve the scenic value of the wooded hillsides in Gresham. The Community Development Code is designed to resolve resource use conflicts in these areas through the establishment of special requirements for development on landslide prone slopes ~~between 15%-35%.~~ ***	*Updated to reflect current understanding of the stream system* *Updated to reflect the basis of the HGRO*

Section 3. Volume 1, Findings, 3.000 The Physical Environment, Section 3.100 Current Land Use Characteristics is amended as follows:

Proposed Text Amendment	*Commentary*
3.141 Natural Resources and Physical Constraints In early 1988, an inventory of natural resource sites and areas affected by physical hazards was compiled. Information in the inventory reflects extensive field observations by natural resource experts, and published data by state and federal agencies. The following description of the special purpose districts addresses development considerations for sites included in this inventory:	
~~Flood Plain Physical Constraint District~~ Floodplain Overlay District- Development within the 100-year floodplain, as determined by the Federal Emergency Management Agency (FEMA) is restricted where documented natural resource or open space values are also present. In other flood-plain areas, development may be permitted subject to design standards intended to minimize potential flood damage, and based on findings that the capacity of the flood-plain would not be adversely affected. In low-density residential districts, a density transfer credit of two dwelling units for each acre within the flood plain is available.	*Updated to reflect the overlay name*
~~Hillside Physical Constraint District 15%-35% Slope~~ Hillside & Geologic Risk Overlay - This special purpose overlay district is found south of Glisan~~entirely within low density residential land use districts~~. Special development standards are applied and detailed review of development by a Geotechnical professional is required. Trees are protected for slope stabilization reasons. ~~reports concerning soils and engineering techniques are required. Minimum lot sizes range from 14,000 sq. ft. to 29,000 sq. ft., depending on the degree of slope. Clear-cutting of timber within this district is prohibited.~~	*Updated to reflect the HGRO*
~~Hillside Physical Constraint District - 35%+ Slopes~~ Highly Sloped Subarea of the Hillside & Geologic Risk Overlay - This district ~~occurs entirely~~ mainly within low density residential land use districts. Property which is entirely within this district may be improved to the extent of one dwelling unit for each existing lot of record. Trees are protected predominantly for slope stabilization but also for aesthetic reasons. ~~A density transfer credit of one dwelling unit per acre within this special purpose district is established. Clear-cutting of timber within this district is prohibited.~~	*Updated to reflect the HGRO*
Natural Resource Overlay ~~District~~ - This district encompasses ~~sites of high~~wetlands, streams and other waters and buffers around such riparian areas as well as areas of upland habitat in PV/SW and areas in public ownership that were acquired for conservation purposes. ~~natural resource value as identified in the Inventory of Significant Natural Resources and Open spaces.~~ Development within this district is generally limited ~~to uses~~	*Updated to reflect the basis of the NRO*

~~for which there is a documented public need and where alternative sites are not available~~. A density transfer credit is available for ~~low density and moderate density~~ residential sites lying ~~partially~~ within this district. Open space District - This district encompasses sites identified as having significance for open space characteristics, as identified in the Inventory of Natural Resources and Open spaces. Public and private open space areas with this special purpose overlay designation include parks, schools, golf courses, and greenways. Development within this district is limited to community service uses serving a public need and various recreational uses. A density transfer credit is available for low density and moderate density residential sites lying partially within this district.	

Section 4. Volume 1, Findings, 5.000 Political Environment, Section 5.320 Special Districts and Agency Involvement is amended as follows:

Proposed Text Amendment	***Commentary***
Section 5.321 Agency Involvement *** LDC GOAL 2 — Land Use Planning *** Affected Governmental Agencies *** B. State and Federal Agencies 1. L.C.D.C. 2. Oregon Department of Transportation 3. Oregon State Highway Parks and Recreation Division 4. Department of Environmental Quality 5. Oregon Department of Economic Development 6. Oregon Department of Fish and Wildlife 7. U.S. Corps of Engineers 8. ~~U.S. Soil Conservation Service~~US Department of Agriculture, Natural Resource Conservation Service 9. Department of Energy	*Updated to reflect the appropriate agency names*

10. U.S. Forest Service 11. U.S. Department of Commerce 12. U.S. Department of Housing and urban Development ***	

Section 5. Volume 1, Findings, Appendix 42 Pleasant Valley Plan District Plan is amended as follows:

Proposed Text Amendment	***Commentary***
CHAPTER 2 - ORGANIZATION *** Chapter 6. Natural Resources. The Natural Resources chapter documents the State Goal 5 process for Pleasant Valley and provides the foundation for protecting natural resources, and conserving scenic areas and open spaces. The chapter is comprised of four major sections: the Natural Resources Inventory; Significance Determination; the Economic, Social, Environmental and Energy (ESEE) analysis and development code that implements Natural Resources regulatory program. ~~A key strategy to meet the natural resource goals of the *Concept Plan* is the implementation of an Environmentally Sensitive Restoration Area (ESRA) subdistrict, which is intended to promote compatibility between development and conservation of stream corridors, wetlands, floodplains and forests. The ESRA proposed land use district and development code would amend Volume 3. The report also includes rough costs estimates and funding strategies for preserving and restoration the ESRA.~~ ***	*Removed to reflect current situation*
CHAPTER 5 – LAND USE *** **Future Land Use Patterns** The Pleasant Valley Plan District provides the basis for a land use plan that is consistent with the goals of the Concept Plan. The central theme of creating an urban community through the integration of land use, transportation, and natural resource protection is reflected by the following key elements of the Plan District: • A mixed-use town center as the focus of retail, civic, and related uses. • A variety of housing organized in eight neighborhoods. The variety includes low, medium and high-density housing with standards that guide how variety is planned within neighborhoods.	

• Planned housing that is 50 percent attached, 50 percent detached, and has an overall density of 10 dwelling units per net residential acre. The estimated housing capacity is approximately 5,000 dwellings. • Two 5-acre mixed-use neighborhood centers. • Employment opportunities as provided in the town center, mixed-use employment district, and general employment districts, and as home-based jobs. Employment capacity is estimated at approximately 5,000 jobs. • A framework for protection, restoration, and enhancement of the area's streams, flood–plains, wetlands, riparian areas, and major tree groves through the designation of areas as Natural Resource Overlay~~"environmentally sensitive/restoration areas" (ESRAs)~~. • Designation of a "neighborhood transition design area" adjacent to the ESRA so that neighborhood development is compatible with adjacent green corridors. • A new elementary school and middle school located adjacent to 162nd Avenue. • Nine neighborhood parks dispersed throughout and a 29-acre community park centrally located between the utility easements north of Kelley Creek. • A "green" stormwater management system intended to capture and filter stormwater close to the source through extensive tree planting throughout the valley, "green" street designs, swale conveyance, and filtration of run-off, and strategically placed stormwater management facilities. • A network of trails including east-west regional trails paralleling Kelley Creek and north-south regional trails following the BPA power line easement. • A reorganization of the valley's arterial and collector street system to create a connected network that will serve urban levels of land use and all modes of travel. • Re-designation of Foster Road from arterial to local street status between Jenne Road and Pleasant Valley Elementary School. The intent is to preserve the two-lane tree-lined character of Foster Road and to support restoration efforts where Mitchell Creek and other tributaries flow into Kelley Creek. • A network of transit streets that serve three mixed-use centers and seven nodes of attached housing. • The location of major roads away from important historic resources and "park blocks" that connect the town center to the historic central section of Foster Road. *** **Pleasant Valley Plan District Map And Code** ***Plan District Map*** The Pleasant Valley Plan District Map (Figure 1) will serve as the key regulatory map for land use in Pleasant Valley. The Plan District Map includes the following land use types: residential, mixed use and employment areas, and	*Updated to reflect current situation*

park-schools-other overlays~~, and environmentally sensitive/restoration areas.~~ These land use designations are estimated to provide a capacity for approximately 5,000 dwellings and 5,000 jobs. The housing distribution is planned as a 50/50 split of attached and detached dwellings that average 10 dwelling units per net residential acre. Highlights of the Plan District map include the following. ***	*Removed to reflect current situation*
• *Parks, Schools, and Other Overlays*. The Plan Map includes ~~five~~four "overlay sub-districts": Elementary School, Middle School, Neighborhood Park, and Community Park~~, and Neighborhood Transition Design Areas (NTDA)~~. These overlays are consistent with the designations of the same names that were endorsed on the Concept Plan. The use of the term "overlay" means that each area has underlying base zoning which is integrated with the standards in an overlay subdistrict. For schools and parks, the base zoning is Low Density Residential. The effect of the overlay is to indicate where a park or school is intended. The Plan District Map overlay does not bind the property to only a park or school use.	*Removed to reflect current situation*
~~The NTDA is established for the purpose of establishing design guidelines and encouraging (but not requiring) certain uses in the 100-foot wide area adjacent to the Environmentally Sensitive/Restoration Areas.~~	*Removed to reflect current situation*
~~• *Environmentally Sensitive/Restoration Areas*. The ESRA sub-district follows the ESRA designation as it was endorsed on the Concept Plan. The area shown as ESRA will need to be reconciled with the outcome of the Goal 5 ESEE analysis.~~ ***	
Plan District Code The draft Pleasant Valley Plan District code implements the Concept Plan map and associated goals, policies, and action measures. The format generally follows that of Gresham's Community Development Code due to the large area that will be under Gresham's jurisdiction as lands are annexed.	
• *The Pleasant Valley Plan District is the term used to describe the code chapter and the entire Pleasant Valley area.* It has ~~eight~~ seven Sub-districts (zones) that correspond to the Plan District Map. Three Sub-districts (LDR-PV, MDR-PV, HDR-PV) are residential districts. Three Sub-districts are commercial and mixed-use (TC-PV, NC-PV and MUE-PV). ~~A~~The seventh Sub-district is employment (EC-PV~~), and the eighth Sub-district is environmental (ESRA-PV)~~. A detailed report on the Natural Resource Overlay (NRO) that was originally	*Updated to reflect current situation*

proposed as ~~the~~ ESRA-PV subdistrict is contained in the Natural Resources chapter. Each of the sub-districts includes a purpose and characteristics section. These statements were originally established as part of the Pleasant Valley Concept Plan Implementation Strategies. They establish a direction for future land uses in each sub-district. *** • *There are ~~five~~ four overlay Sub-districts covering Schools, and Parks~~, and the Neighborhood Transition Design Areas (NTDA)~~.* The use of the term "overlay" means that each area has underlying base zoning. For schools and parks, the base zoning is Low Density Residential. The effect of the overlay is to indicate where a park or school is intended. This approach does not bind the property to only a park or school use. ~~The NTDA is established for the purpose of establishing design guidelines and encouraging (but not requiring) certain uses in the 100-foot wide area adjacent to the Environmentally Sensitive/Restoration Areas.~~ ***	*Updated to reflect current situation*
CHAPTER 6 – NATURAL RESOURCES **INTRODUCTION** *** • ***ESEE Analysis*** - An ESEE analysis describes the different types of land uses that impact streamside areas, wetlands, and upland forest. Specifically, it analyzes the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit certain activities ~~uses~~ in the ~~significant resource areas (Environmentally Sensitive Restoration Area (ESRA)~~Natural Resource Overlay). • ~~***ESRA Funding Strategy –*** This section provides preliminary costs estimates and strategies for acquisition, conservation easements, habitat restoration and maintenance of ESRA lands. It includes a set of potential funding strategies and a list of federal, state, regional and local programs.~~ • ~~***ESRA Development Code*** – This is proposed development amendments to Volume 3 – Community Development Code that establishes an environmental land use district for the Pleasant Valley Plan District. This proposed amendment implements the natural resources regulatory protection plan for the identified Goal 5 resources in Pleasant Valley.~~ *** **CHAPTER 9 – UGMFP TITLE 11** ***	*Updated to reflect current situation*

Organization *** ***F – A conceptual transportation plan consistent with the applicable provisions of the Regional Transportation Plan, Sections 6.4.4 through 6.4.7 Regional Transportation Plan[1] and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.*** *** *Consistency with Title 3* – Title 3 deals with protecting beneficial water uses and functions and values of natural resources in water quality and flood management areas. The Pleasant Valley Plan District has identified and mapped water quality and floodplain areas and incorporated them into the Environmental Sensitive and Restoration Areas (ESRAs). In developing the conceptual transportation plan particular attention was given to both minimizing the number of stream crossings and minimizing the length of those stream crossings – this is reflected in the Pleasant Valley Plan District plan map. In addition the street design standards for stream crossings will utilize Metro's *Green Streets: Innovative Solutions for Stormwater and Stream Crossings* handbook. <u>The ESRA concept was replaced with a Natural Resource Overlay in 2020 after a further ESEE.</u> *** ***G – Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.*** <u>Findings</u>. The proposed Pleasant Valley Plan District includes a natural resource protection plan. The Natural Resources chapter documents the Goal 5 process for Pleasant Valley, and consists of a natural resources inventory (identifying and mapping natural resources areas), a resources significance determination, an Economic, Social, Environmental and Energy (ESEE) analysis of the consequences of resource protection, ~~an ESRA funding strategy and an ESRA draft resource protection standards development code.~~	*Updated to reflect current situation* *Updated to reflect current situation*

To achieve the goal of creating an urban community integrated with the natural environment, Environmentally Sensitive Restoration Areas (ESRAs) were designated for Pleasant Valley's green space system. The ESRAs serve as the framework for the protection, restoration and enhancement of the area's streams, floodplains, wetlands, riparian areas and major tree groves. The Pleasant Valley Plan District established an ESRA sub-district to implement Pleasant Valley's natural resource goals and to resolve conflicts between development and conservation of natural resources. The natural resources planning efforts included mapping each of the nine identified resource functions and creating an ESRA map. ~~The ESRA development standards apply to those lands identified on the ESRA map.~~ After further review and an updated ESEE analysis in 2020 the ESRA was replaced with Natural Resource Overlay (NRO). "~~Neighborhood transition design areas" were designated adjacent to the ESRAs so that neighborhood development is compatible with adjacent green corridors. The Pleasant Valley Plan District includes a Neighborhood Transition Design Area overlay sub-district with the purpose of establishing design guidelines and encouraging certain uses in the 100-foot wide area adjacent to the ESRAs~~. Green development practices, which regulate stormwater management techniques, are included in the Plan District development code. Green development practices are a toolbox of techniques that mimic and incorporate predevelopment hydrology of a site into future development. The intent is to minimize potential adverse impacts of stormwater run-off to water quality, fish and other wildlife habitat, and flooding. The use of green development practices enhance water quality and control the stormwater flow utilizing techniques of retention, infiltration and evapotranspiration to treat runoff and reduce the volume of stormwater. Conclusion. The Pleasant Valley Plan District has extensively identified and mapped natural resources areas; identified through the State Goal 5 process those natural resources areas to be protected and restored; developed a funding and non-regulatory restoration strategy; and developed development code standards to protect and restore the ESRA areas while providing for urban development in the rest of the Pleasant Valley Plan District area. The proposed comprehensive plan amendments are consistent with this Title 11 section. *** *Metro Conditions of Approval* *** **E. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, the city shall adopt Urban Growth Management Functional Plan requirements for revegetation and Title 3**	*Updated to reflect current situation*

building setbacks from streams and wetlands and address federal requirements adopted pursuant to the Endangered Species Act. Findings. Title 3 lands were mapped as one of the first inventory efforts in the Concept Plan process. The inventory (which had input from property owners, stakeholders, project teams, Metro staff and state and federal resource agencies) served as the basis for mapping and code work to establish the Environmentally Sensitive Restoration Area (ESRA) sub-district. All Title 3 lands are included in the ESRA sub-district. The ESRA sub-district proposed code is intended to address provisions both for water quality resource area and for natural resource areas. Additionally, both cities have adopted Title 3 so that provisions applicable in the existing city (such as flooding) will also be applied to Pleasant Valley as it urbanizes. At the time Pleasant Valley was brought into the UGB the Federal Government was establishing the 4d rule concerning the "taking" of listed species. At this time it was unclear as to the federal requirements pursuant to the Endangered Species Act. The development of the ESRA through the *Concept Plan* project and through the State Goal 5 process during the *Implementation Plan* project was shared with Metro, State and Federal natural resource agencies. The proposed development code is anticipated to closely correspond to the outcome of Metro's current Goal 5 process and it is presumed that the ESRA code and strategies will help address the federal listing. Conclusion. The Pleasant Valley Plan District has addressed the requirements of Title 3 by including the Title 3 lands in the ~~proposed~~ ESRA and subsequent NRO and by applying Title 3 compliance regulations. Doing the Goal 5 process and by developing implementing regulations should help address requirements of the Endangered Species Act listing once those of clarified. This condition of approval is met. ***	*Updated to reflect current situation*

Section 6. Volume 1, Findings, Appendix 43 Pleasant Valley Natural Resources is repealed and replaced as follows:

Proposed Text Amendment	***Commentary***
To be inserted at the end of the appendix In 2020, a comprehensive re-review of the Environmental Overlays resulted in the Pleasant Valley's Natural Resources being protected by the Natural Resource Overlay. The Goal 5 and UGMFP Titles 3 and 13 Compliance Report and ESEE Analysis attached hereto outlines process by which the NRO was determined and its compliance with Goals 5, 6 and 7 and Titles 3 and 13.	*Updated to reflect current situation*

Section 7. Volume 1, Findings, Appendix 44 Springwater Community Plan Summary Report is amended as follows:

Proposed Text Amendment	*Commentary*
***	
Section 3	
Concept Plan	
***	
3.3 CONCEPT PLAN OVERVIEW	
***	
~~*Environmentally Sensitive*~~ *Resource Areas* The Concept Plan identifies over one third of the land in the study as environmentally sensitive. All critical lands have been identified, including the critical habitat located around Johnson Creek and its tributaries. These are areas that are anticipated to have a range of protection, from lightly limited development to City purchase for protection and enhancement. The Concept Plan places a high emphasis on resource protection and habitat connectivity.	*Updated to reflect current situation*
***	
Section 4	
Springwater Community Plan	
4.1 INTRODUCTION This section of the report summarizes the Springwater Community Plan. The Plan provides recommendations regarding the unincorporated Multnomah County Springwater area (both the 2002 UGB expansion area and the pre-2002 UGB expansion area), a 1,272 acre area. The Plan also includes a study area commonly known as the Brickworks Site, approximately 159 acres of Heavy Industrial (HI) land inside the existing City of Gresham with Springwater Plan District designations. Such designations were made subsequent to the overall Springwater Plan adoption for the UGB expansion area within Multnomah County. The Brickworks Site analysis is included as Section 4.9 of Appendix 44, Volume 1 of the Gresham Community Development Plan. The legislative process for adoption of a comprehensive plan amendment to apply the Springwater Plan District to the Brickworks Site is being done in	

two phases. Phase I involves the properties proposed to be RTI-SW, NC-SW, LDR-SW and THR-SW and associated ESRA-SW. Phase II involves the properties to the south of Phase I and are those parcels owned by Mutual Materials currently improved with a manufacturing plant and clay mining as described in the first paragraph of Section 4.9.1. For clarity purposes, where Appendix 44 has specific site descriptions, data and maps, only the Phase I descriptions, data and maps will be included. When the legislative process for Phase II resumes, Appendix 44 will be edited so that all of the Brickworks site descriptions, data and maps including Phase II are provided. The Plan does not include the portion of the study area in Clackamas County (139 acres) as it is now part of the newly incorporated City of Damascus. <u>After further review and an updated ESEE analysis in 2020 the ESRA was replaced with Natural Resource Overlay (NRO).</u> *** **4.4 NATURAL RESOURCES** **4.4.1 Background** *** The work of the Natural Resource team used this goal as a basis for developing the Environmentally Sensitive Resource Areas (ESRAs). After a thorough inventory of resources in the study area, the work team presented its findings through a series of inventory maps at public meetings. Local residents made additions and corrections to the maps. This information, combined with extensive field studies conducted by the project team, formed the basis for assigning significance levels to each resource in the study area. The final ESRA was determined through an Environmental, Social, Energy, and Economic (ESEE) study to determine where urban development in resource areas should be allowed, limited, or prohibited. <u>The ESRA was replaced in 2020 with Natural Resource Overlay after an updated ESEE.</u> *** **4.4.3 Summary of Proposed Plan Element** The ESRA forms the green infrastructure around which other Plan elements were developed. The intent of protecting and enhancing the natural resources in Springwater is not only to preserve and protect the natural resources in the area to recognize their contribution to the environmental and ecological health of the watershed and the region, but to maintain these areas as amenities for future employees and residents of Springwater. Selected characteristics of the ESRA include: • The ESRA designation is applied to 200 feet from top of bank on both sides of Johnson Creek and associated tree groves, locally significant wetlands, or unique habitats; to locally significant wetlands, to	*Updated to reflect current situation* *Updated to reflect current situation*

tributary reaches (100 feet from top of bank on both sides) and associated tree groves (within 150 feet of top of bank). • Wetlands, riparian habitat, and upland habitat offering both opportunities for protection of high value resources and opportunities for enhancement of degraded resources • Habitat migration routes along the waterways and between the buttes • Implementation strategies including planning-level project cost, funding strategies, regulatory and incentive options, and enhancement priorities In addition to defining the ESRA, the team identified key objective elements of the environmentally sensitive resource areas management. These measures are intended to allow the entire planning area to be more ecologically sustainable, to improve the aquatic habitat through healthy streams with cool, clear water, and allow continued wildlife migration within and beyond Springwater. The measures include: • Restoring the headwater wetlands of McNutt Creek and riparian habitat along the tributaries of Johnson Creek • Retaining undeveloped land as green wildlife corridors between the buttes and major tributaries of Johnson Creek • Protecting the mature forests and riparian habitat within the five-creek confluence area in the southeastern part of the study area • Preserving the integrity of large stands of mature forests such as the Hogan Cedars grove Specific projects, project costs, and potential funding sources to achieve these objectives are identified in the Springwater Natural Resources Report. <u>The Natural Resource Overlay replaced the ESRA and covered substantially the same area.</u> *** **4.5.3 Summary of Proposed Plan Element** Key features of the transportation element of the Plan are: • Create a network of arterial, collector, neighborhood, connector, and local streets that accommodate travel demands and provide multiple routes for travel. Key new street extensions and connections include: o One (or two) new east-west arterial connections from 242nd Avenue to Telford Road between Rugg Road and 252nd Avenue o Phased improvements to provide access to US 26, including a new at-grade controlled intersection in the northern part of Springwater (intersection with a new collector) that	*Updated to reflect current situation*

ultimately will be a grade separated bridge crossing after an interchange with an new arterial is constructed at the southern part of Springwater o A new street connection to Orient Drive around the east side of the existing Gresham neighborhoods • Upgrade existing streets and design all new streets to accommodate biking and walking, with special pedestrian amenities on transit streets. Upgrade intersections with safety issues identified as part of the inventory work. • Provide regional and community transit service on key roads in Springwater, with direct connections to Gresham, Sandy, Clackamas regional center, Damascus, the Columbia Corridor, and downtown Portland. Transit streets include 242nd Avenue, Orient Drive, and US 26. • Provide a logical and connected street system that connects directly to community destinations while also avoiding the ~~ESRA~~ NRO where possible. Plan for a local street system that complements the arterial and collector street system and meets regional connectivity requirements within the residential areas of the plan. • Provide for direct and convenient access to employment centers that lead to regional facilities, and reduce the possibility of traffic intrusions into neighborhood and rural areas. • Use Green Street designs that are an integral part of the stormwater management system and provide walkable, tree lined streets. • Plan for a long-term arterial connection from Hogan Road to US 26 north of the Springwater Corridor Trail, to serve long-term regional mobility needs. • Implement a Transit Plan that includes a primary transit route on Hogan as well as secondary and neighborhood circulation routes. *** ~~**4.8.3 Summary of Proposed Plan Element**~~ *** ~~*Village Center Loop Trail*~~ ~~To the west of US 26, the trail system will follow creek corridors to create a roughly 1-mile trail loop. This loop trail will be located between the protected creek corridors and either street right of way or residential parcels. At special points along the trail an overlook can be implemented to allow better views into the protected corridor. The overlook should be implemented to create the least impact possible. Requirements for trail construction in the ESRAs are outlined in the ESRA section of the Springwater Community Plan Development Code.~~ ~~*Employee Loop Trail*~~	*Updated to reflect current situation* *Updated to remove inaccurate findings*

~~To the east of US. 26 the trail system will follow the road network or parallel stream corridors. The option providing trails adjacent to the roadway would be implemented as a multi-use corridor located between private property and the roadway swales. This option would include a slightly wider trail corridor to allow for a more informal planting arrangement of native species to distinguish the street edge as a special corridor. The option providing trails adjacent to stream corridors would include a multi-use trail located between private property and the ESRA adjacent to the stream. The trail could be located immediately adjacent to private property, or separated from the private property by a vegetated stormwater swale.~~ *** **4.9.2 Summary of Major Issues** *** *Natural Resources* A Natural Resources inventory and ESEE analysis for the overall Brickworks Site was completed as part of the Springwater Plan. In Phase I the resulting areas for protection include two relatively small (approximately 7.1 acres total) stream segments in the northwest portion of the site. The stream segments feed into Johnson Creek at offsite locations. Consistent with the Springwater Plan, a land use designation of "Environmentally Sensitive Resource Area – Springwater" (ESRA-SW) was applied to this identified resource area. The Natural Resource Overlay replaced the ESRA and covered substantially the same area. ***	*Updated to reflect current situation*
Urban Growth Management Functional Plan (UGMFP) **Title 11 Compliance Report** *** **Organization** *** ***F. A conceptual transportation plan consistent with the applicable provisions of the Regional Transportation Plan, Sections 6.4.4 through 6.4.7 Regional Transportation Plan[2] and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3***	

of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches. *** *Consistency with Title 3* – Title 3 deals with protecting beneficial water uses and functions and values of natural resources in water quality and flood management areas. The Springwater Plan District has identified and mapped water quality and floodplain areas and incorporated them into ~~the Environmental Sensitive and Restoration Areas (ESRAs)~~ Floodplain and Natural Resource Overlays. In developing the conceptual transportation plan particular attention was given to both minimizing the number of stream crossings and minimizing the length of those stream crossings – this is reflected in the Springwater Plan District plan map. ~~In addition the street design standards for stream crossings will utilize Metro's *Green Streets: Innovative Solutions for Stormwater and Stream Crossings* handbook.~~ *** ***G. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.*** Findings The proposed Plan includes a natural resource protection plan. A Goal 5 ESEE analysis has been completed and is part of the proposed comprehensive plan amendments. The process included a natural resources inventory (identifying and mapping natural resources areas), a resources significance determination, an Economic, Social, Environmental and Energy (ESEE) analysis of the consequences of resource protection, an Environmentally Sensitive Resource Area (ESRA-SW) funding strategy and ESRA-SW resource protection standards in the development code. The Springwater Plan District established an ESRA-SW sub-district to implement Springwater's natural resource goals and to resolve conflicts between development and conservation of natural resources. The ESRA-SW development standards apply to those lands identified on the ESRA-SW map. After further review and an updated ESEE analysis in 2020 the ESRA was replaced with Natural Resource Overlay (NRO). The mapped and regulated areas include Johnson Creek and its tributaries; wetlands (including those identified in a Local Wetland Inventory), associated floodplains, and sloped areas (25 %+).	*Updated to reflect current situation* *Updated to reflect current situation*

Green development practices are included in the Plan District development code. Green development practices are a toolbox of techniques that promote sustainable building practices. They include regulations that mimic and incorporate predevelopment hydrology of a site into future development. The intent is to minimize potential adverse impacts of stormwater run-off to water quality, fish and other wildlife habitat, and flooding. The use of these green development practices enhance water quality and control the stormwater flow utilizing techniques of retention, infiltration and evapotranspiration to treat runoff and reduce the volume of stormwater.

Conclusion

The Springwater Community Plan has:

- Extensively identified and mapped natural resources areas.
- Identified through the State Goal 5 process those natural resources areas to be protected and restored.
- Developed a funding and non-regulatory restoration strategy.
- Developed development code standards to protect and enhance the ~~ESRA~~ NRO areas while providing for urban development in the rest of the Springwater Plan District area.

The proposed comprehensive plan amendments are consistent with this criterion.

***

J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

1. ***General locations of arterial, collector, and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer, and water to demonstrate that the area can be served;***
2. ***Location of steep slopes and unbuildable lands including, but not limited to, wetlands, floodplains and riparian areas;***
3. ***General locations for mixed-use areas, commercial and industrial lands;***
4. ***General locations for single and multi-family housing;***
5. ***General locations for public open space, plazas and neighborhood centers, and***
6. ***General locations or alternative locations for any needed school, park or fire hall sites.***

Findings

The Springwater Plan District Plan Map (Plan Map) serves as the basic urban growth diagram and includes most of the applicable elements listed above including general locations of streets; the environmental areas

(~~ESRA~~NRO); land use areas (mixed, commercial, office, industrial and residential) and open space, trails and parks. ***	*Updated to reflect current situation*

Section 8. Volume 1, Findings, Appendix 45 Springwater Community Plan Report – Natural Resource Report:

	Commentary
To be inserted at the end of the appendix In 2020, a comprehensive re-review of the Environmental Overlays resulted in the Pleasant Valley's Natural Resources being protected by the Natural Resource Overlay. The Goal 5 and UGMFP Titles 3 and 13 Compliance Report and ESEE Analysis attached hereto outlines process by which the NRO was determined and its compliance with Goals 5, 6 and 7 and Titles 3 and 13.	*Updated to reflect current situation*

Section 9. Volume 1, Findings, Appendix 46 Springwater Community Plan Annexation and Development Strategies is amended as follows:

Proposed Text Amendment	***Commentary***
*** **ANNEXATION STRATEGIC TOOL** *** Module components: The module database will utilize data including the following information: 1. Current Data a. Parcels and Tax Assessor's Data b. Current Housing Units c. Total Assessed Value d. Number of Registered Voters 2. Data Calculated from Plan's Implementation a. New Housing b. New Commercial Space c. New Employment	

d. New Parks e. Open space Protected f. New Impervious area g. Future Assessed value h. System Development Charges 3. Estimated Costs to the City a. Cost of Sewer b. Cost of Water c. Cost of Storm Drainage ~~d.~~ Cost of acquisition and development of Parks ~~e. Cost of Open space Acquisition or Compensation (ESRA implementation)~~ ***	*Updated to reflect current situation*

Section 10. Volume 1, Findings, Appendix 47 Kelley Creek Headwaters Urbanization Plan Findings is amended as follows:

Proposed Text Amendment	***Commentary***
Section 2: Metro Title 11 Compliance Report *** ***Title 11 Section 3.07.1120: Planning for Territory Added to the UGB*** *** ***C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.*** Findings The first urbanization planning effort was conducted from 2003 through 2005 for an area that included both KCH and the ~~future~~ proposed ~~City~~ of Damascus. Clackamas County, Metro, Damascus area residents, and the cities of Happy Valley and Gresham participated in this effort. The result was the Damascus/Boring Concept Plan (DBCP) which was found by Metro to meet Title 11. DBCP included the KCH area. In regard to KCH, the plan proposed: • Very low density residential (Less Dense Residential) at flatter locations near Regner Rd. • Hilltop locations were recommended to develop at no more than 1 unit per acre (Transition Areas).	*Updated to reflect current situation*

• Steeper areas, public open space areas, and riparian areas (Habitat Conservation Areas) near creeks were identified as Conservation Areas where development would generally not be allowed. • DBCP indicated that development of KCH (Area 13) according to the above designations would yield 48 additional residential units. *** Since the KCH transportation plan does not propose any regional arterial streets, or trails that are not now part of the RTP, or other major transportation facilities, the plan is consistent with the RTP and no amendments to the RTP are needed. Also, any transportation improvements occurring within the Natural Resource Overlay ~~an Habitat Conservation Area or Title 3 Water Quality Resource Area~~ will be subject to the requirements of the Natural Resource ~~Habitat Conservation Area (HCA)~~ Overlay (NRO) ~~District~~ standards. In addition, green development practices will be utilized to help mitigate the impacts of stormwater runoff from impervious surfaces. Green practices and the Natural Resource Overlay~~HCA overlay~~ are discussed in Section 5 of this appendix. Conclusion This criterion is satisfied. ***H. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Natural Resource ~~Habitat Conservation~~ Areas, ~~Water Quality Resource Areas,~~ and Flood Management Areas. A natural resources protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Natural Resource Areas~~Habitat Conservation Areas, Water Quality Resource Areas.~~ Flood Management Areas, and other natural hazards areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure all significant natural resources are protected.*** Findings A natural resources protection plan is found in Section 5 of this appendix. The following natural features have been identified, mapped and proposed for protection: • Title 13 Habitat Conservation Areas (UGD Maps 2A & 2B) • Title 3 Water Quality Resource Areas (UGD Map 2B)	*Updated to reflect current situation* *Updated to reflect current situation* *Updated to reflect current situation*

• Areas with steep slopes of 15% and greater (UGD Map 3) The Habitat Conservation Areas and Water Quality Resource Areas were proposed to be ~~ill be~~ protected with the City's Habitat Conservation Area Overlay ~~District Overlay~~ and after a 2020 ESEE Analysis the Natural Resource Overlay. This overlay is in compliance with Metro's Title 13 ~~Model Ordinance~~. ~~Steep sloped areas (15% +)~~ Landside prone areas will be protected with the Hillside ~~Physical Constraint District~~& Geologic Risk Overlay. In addition to these ~~zoning~~ requirements, water quality will be protected through green development practices for stormwater management. The above protection strategies are discussed in greater detail in Section 5 of this appendix. ~~Approximately 45% (100 acres) of KCH has already been acquired by Metro for habitat protection. Because of this large area that has already been acquired for open space, the City is not proposing any additional acquisitions. The City will however:~~ ~~1. Include the KCH area into its volunteer based habitat restoration efforts as the area annexes into the City;~~ ~~2. Seek grants and donations to be used for projects should opportunities arise; and~~ ~~3. Consider, where possible, combining restoration projects with City utility projects in order to minimize costs.~~ ~~Conclusion~~ ~~This criterion is satisfied.~~ ~~***~~ ~~***K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:***~~ ~~***7. General locations of arterial, collector, and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer, and water to demonstrate that the area can be served;***~~ ~~***8. Location of steep slopes and unbuildable lands including, but not limited to, wetlands, floodplains and riparian areas;***~~ ~~***9. General locations for mixed-use areas, commercial and industrial lands;***~~ ~~***10. General locations for single and multi-family housing;***~~ ~~***11. General locations for public open space, plazas and neighborhood centers, and***~~ ~~***12. General locations or alternative locations for any needed school, park or fire hall sites.***~~ *** Findings	*Updated to reflect current situation* *Removed to reflect current situation*

Urban Growth Diagram maps have been developed as part of the urbanization plan and are contained in Section 3 of this appendix. They cover the applicable elements of the above list. They include: • Location of major streets and other needed public facilities; • Location of ~~steep slopes (15%+)~~landslide prone areas; • Location of Natural Resource ~~Habitat Conservation~~ Areas that include~~s~~ riparian areas near streams; • Proposed low density residential (single family) development designation for all properties. • Location of Metro owned open space parcels; and • Conceptual locations of regional trails. No mixed use areas, commercial and industrial lands were identified on the 2040 Metro 2040 Concept Map for KCH and none were determined to be needed. No schools, parks or police/fire facilities were determined to be needed. Conclusion This criterion is satisfied. ***L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.*** Findings The development potential for Kelley Creek Headwaters was calculated in a range of three estimates – high, medium and low for the privately owned land (excludes Metro owned land). These estimates began by first deducting 20% of the acreage for roads and other public facilities in order to calculate the capacity on a "net density" basis. Then it assumed the amount of development allowed within the various slope ranges of the Hillside & Geologic Risk Overlay ~~Hillside Physical Constraint District~~, given the proposed LDR-7 zoning, as shown in the table below: Further assumptions were made below under each estimate regarding the amount of NRO~~HCA~~ that would be developed and the amount of density, on a 1 unit per acre basis, that could be transferred from the 35% + slopes to the lower slopes. Although development of 2~~3~~5% and greater slopes is generally prohibited by the Hillside & Geologic Risk Overlay~~Physical Constrain District~~, this density transfer is allowed to be transferred to lower slopes. The resulting estimates are: • High Estimate = 180 Units	*Updated to reflect current situation* *Updated to reflect the overlay names* *Updated to reflect the overlay names*

Assumptions: 20% of NRO~~HCA~~ is developed, 100% of density is transferred from 35%+ slopes to lower slopes	*Updated to reflect the overlay names*
• Medium Estimate = 160 Units Assumptions: 10% of NRO~~HCA~~ is developed, 50% of density is transferred from 35%+ slopes to lower slopes	*Updated to reflect the overlay names*
• Low Estimate = 140 Units Assumptions: 0% of NRO~~HCA~~ is developed, 0% of density is transferred from 35%+ slopes to lower slopes	*Updated to reflect the overlay names*
For purposes of the urbanization plan, the estimated dwelling unit capacity is the medium estimate of 160 units. Conclusion This criterion is satisfied. ***	
Metro Conditions on Addition of Land to UGB (Ordinance No. 02-969B) **1. General Conditions Applicable to All Land Added to UGB** ***	
G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open spaces) to Title 11 planning, each city and county with land use planning responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county's application of Goal 5 to its Title 11 planning. Findings Title 13 was adopted as part of the Functional Plan by Metro Council in order to implement the Goal 5 provisions of Title 3. Title 13 was then acknowledged by LCDC to meet Statewide Planning Goal 5 on January 5 2007. Gresham adopted the HCA, Habitat Conservation Area (HCA) overlay on December 16, 2008 in order to comply with Title 13. The regulations of this overlay are based on the Metro Title 13 Model Ordinance. As shown on the	

UGD maps, this overlay will be applied for habitat protection purposes to the Title 13 Habitat Conservation Areas as they are defined and classified by Title 13 and the Model Ordinance. The NRO designation adopted in 2021 is also in compliance with Title 13. Conclusion This condition is satisfied. ***	*Updated to reflect current situation*
Section 3: Urban Growth Diagram *** It is estimated that applying the above designations to KCH would provide a development capacity of approximately 160 units. *** In 2021 after a 2020 ESEE analysis the new Natural Resource and Hillside an Geologic Risk Overlays were applied to Kelley Creek Headwaters.	*Updated to reflect current situation*
Section 5: Protection of Natural Resources *** In 2021 after a 2020 ESEE analysis the new Natural Resource and Hillside an Geologic Risk Overlays were applied to Kelley Creek Headwaters. ***	*Updated to reflect current situation*

Section 11. Volume 1, Findings, Appendix 48 Urban Forestry Management Plan Summary Report is amended as follows:

Proposed Text Amendment	***Commentary***
*** **Tree Canopy** *** *Urban Canopy* *** It is important to note how Gresham's forested buttes and dense riparian corridors heavily influence the citywide canopy coverage figure of 28 percent. For example, Map 1 illustrates how the Gresham Butte and	

Kelley Creek Headwaters neighborhoods both contain approximately 70 percent canopy cover within their boundaries. By removing the natural areas within these two neighborhoods, as well as other publicly designated natural areas citywide (~~i.e.~~e.g. Natural Resource Areas ~~Habitat Conservation Areas~~), the 28 percent citywide canopy coverage figure is reduced to approximately 22 percent, as shown in Table 2. ***	*Updated to reflect current situation*

Section 12. Volume 1, Findings, Appendix 50 Gresham Butte Scenic View Overlay District is amended as follows:

Proposed Text Amendment	***Commentary***
*** **Background** *** Since the adoption of Section 2.353 in the 1980s, there have been numerous changes to the Community Development Code that served to address the issues of both residential density on Gresham Butte and tree removal that are mentioned in Section 2.353 noted above. In 1999, the Gresham Butte Plan District was adopted which altered the residential density on the upper 95 acres of the Butte to a minimum average one acre lot size. Prior to 1999, there were also additional development restrictions surrounding development on slopes in excess of 15% that restricted density on these steeper slopes and also required geotechnical analyses for development. The requirements, found in the Hillside & Geologic Risk Overlay~~Physical Constraint District (HPCD)~~, have been amended several times since initial adoption, but the basic requirements for reduced densities and geotechnical ~~studies~~ reviews remain. Tree regulations found in the Development Code provide regulations about both tree plantings and removals. These regulations also have undergone several changes since the adoption of the ESEE analysis found in Section 2.353; the most recent review being a comprehensive revision to the tree regulations found in the Development Code that ~~is expected to~~ concluded in 2015. **Inventory Process** Site Determination: Gresham Butte has long been an iconic visual resource within the city; a largely natural forested area characterized by open space, lower density residential development and some community service uses. Map 1 depicts an aerial view of the Butte. The Butte is subject to the HGRO~~HPCD~~ regulations because of its steep slopes, and portions are subject to the Natural Resource Overlay~~Habitat Conservation Area Overlay District~~ that serves to protect wildlife and fish habitat areas.	*Updated to reflect current situation* *Updated to reflect the overlay names*

*** **Gresham Butte as a Visual Resource** Visual Resource The visual resource is defined as those properties on Gresham Butte that are of an elevation of 500' or higher with the southern boundary being the existing saddle trail as shown in Map 3. The entire resource area is subject to the Hillside <u>& Geologic Risk Overlay</u>~~Physical Constraint District~~ which was designed to protect properties ~~with slopes of 15% or higher and those~~subject to landslides. *** **ESEE Analysis** *** **Prohibiting and Limiting Certain Special Use Reviews** *** **Environmental:** Cemeteries, schools (along with their accessory uses), water storage facilities, major stormwater treatment facilities, substations and telephone switching stations all tend to be uses that take up a fair amount of land area, necessitating grading and clearing of parcels upon which they are located. The area proposed to be affected by the GBSV Overlay District also is subject to the Hillside <u>& Geologic Risk Ovelay</u>~~Physical Constraint District (HCPD)~~; with portions of the Butte also being subject to the <u>Natural Resource Overlay</u>~~Habitat Conservation Area (HCA) overlay~~. The <u>NRO</u>~~HCA~~ areas are shown in Map 4. Both of these districts were designed to protect environmentally sensitive lands that are either steeply sloped or subject to landslides or to provide habitat for upland species, wetland species or both. Disallowing new cemeteries, new water storage facilities, major stormwater treatment plants, substations and switching stations would actually provide a benefit to the overall environment of the Butte by eliminating the impacts to these sensitive lands. ***	*Updated to reflect the overlay names* *Updated to reflect the overlay names*

<u>Section 13</u>. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.014 Goal 2 – Land Use Planning, Land Use Policies and Regulations, and Community Design is amended as follows:

Proposed Text Amendment	*Commentary*
*** **Section 1, Land Use Policies and Regulations** **BACKGROUND** ***Statewide Planning Goal 2: Land Use Planning*** *** Most of Springwater will be developed for industrial uses. These new economic development opportunities are essential for the city's economic future and ability to fund needed public services. Like it did for Pleasant Valley, Gresham developed concept and implementation plans for Springwater that complied with Metro Title 11. The City Council approved the Concept Plan in November 2004. The Implementation Plan became part of the Comprehensive Plan in December 2005. B3 Because of topographic constraints, Kelley Creek Headwaters (KCH) will be developed for low density residential uses. Unlike Pleasant Valley and Springwater, no new development code standards were developed. Instead, the Urbanization (concept) Plan proposed applying the adjacent Gresham Butte low density residential and environmental overlay zoning to KCH. The Urbanization Plan was adopted by Council in July 2009 and became part of the Comprehensive Plan in September 2009. <u>As part of the 2020 review of natural resource protection, it was determined that KCH is more similar to Pleasant Valley and Springwater in terms of prior urbanization and natural resource presence and the unified new community protections were applied.</u> The Goal 2, Land Use Planning Chapter is related to all other parts of the City's Comprehensive Plan. In particular chapters pertaining to Natural Resources, Economic Development, Housing, Public Facilities and Urbanization should also be consulted when using these policies and action measures. ***	*Due to the topography, likelihood of wetland presence, and lack of current urban development applying the Pleasant Valley/Springwater riparian buffers is more appropriate.*
Section 2, Community Design, Trees and Other Vegetation **BACKGROUND**	

Statewide Planning Goal 2: Community Design – Trees and Other Vegetation **Vegetation and its Importance** Trees and other types of vegetation are integral to the quality of Gresham's urban and natural environments. Trees in the urban environment perform a number of functions: • Contributing aesthetic qualities • Reducing energy usage by providing shading and windbreaks • Reducing the urban heat island • Providing safer more comfortable pedestrian environments • Improving property values • Part of the City's response to climate change • Providing a comfortable and aesthetic setting in parks to support active and passive recreation Trees in the natural environment have other values and functions: • Contributing to air and water quality, • Stormwater retention • Improving soil stability • Providing erosion control. • Providing habitat for many species including state sensitive and federally listed species. • Addressing climate change and providing for climate resilience • Responding to Temperature TMDL stream shade mandates (state and federal) • Stabilizing slopes. • Complying with site restoration plans and state/federal mitigation permits.	*Trees perform different functions in different areas and so need to be regulated differently. This reflects the scientific, social, and external regulatory framework the policies and code is written around.*
~~Vegetation is valuable for its aesthetic qualities and contribution to air and water quality, stormwater retention and wildlife habitat. When appropriately used, vegetation moderates temperatures by providing shade and windbreaks. It is also essential for soil stability and erosion control. Native and ornamental vegetation is also essential to the quality of the city's parks and open spaces by providing a comfortable and aesthetic setting to support active and passive recreation.~~ *** **Efforts to Protect and Enhance Trees and Vegetation**	*Removed to reflect a more nuanced understanding of trees and vegetation.*

Gresham has taken a proactive position towards protecting and enhancing the City's trees and vegetation. For example, the City's Community Development Code requirements for site design review (Article 7, Site Design Review) requires landscaping and tree protection measures for new multi-family, single-family attached, industrial, commercial, mixed-use, community service and manufactured park development. The City's code also requires vegetation as part of buffering and screening between dissimilar land uses (Article IX, Section 9.0100 – 9.0111). Furthermore, parking lots are required to have special landscape treatment pursuant to Community Development Code, Section 9.0824.	
The City also requires the protection and sometimes mitigation or restoration of vegetation when development occurs in the following overlay districts: Floodplain Overlay District; Hillside & Geologic Risk Overlay; and Natural Resource Area Overlay. ~~Hillside Physical Constraint District; and Habitat Conservation Area (HCA) District~~. Also, the Downtown, Civic Neighborhood, Pleasant Valley and Springwater Plan Districts require new development to provide special landscape treatments. The purpose is to enhance the unique design quality and character of the four districts.	*Reflecting the requirements (some mandated by the state) to plant more than is removed in some specific circumstances and change to reflect new overlay names.*
The City of Gresham seeks to provide a level of protection for existing trees in the urban environment per Community Development Code Section 9.1000. This section seeks to preserve significant trees; control cutting of trees and retain trees and wooded areas. Tree removal permits are required if a certain size and number of trees are proposed to be removed. Also, the standards require permits for removal of a significant tree(s). A significant tree(s) is defined by the Development Code as a tree or group of trees that have been designated by the City as having unique importance. Removal of a significant tree or trees requires mitigation in the form of planting new trees. ~~This section of the Code also regulates removal of trees in several of the City's Overlay Districts.~~	*Reflecting that trees in different areas are governed by different regulations.*
Gresham's citizens are involved in protection and management of the City's trees. Gresham Revised Code provides for the establishment of an Urban Forestry Subcommittee consisting of seven members, five of which must have expertise with trees such as arborists, nursery operators, landscape architects or foresters. The purpose of the subcommittee is to advise the City Council and make recommendations to Council and the Planning Commission regarding preservation and protection of trees.	

The subcommittee is also responsible for recommending designation of significant trees and maintaining and updating the significant tree list. Also, the subcommittee engages in public education regarding topics such as tree protection, pruning and other maintenance activities. On July 19, 2011 Council adopted the Urban Forestry Management Plan. Based on the adopted Plan a new section, 10.014.3, has been established. **GOAL, POLICIES AND ACTION MEASURES** **GOAL** Protect and enhance the environmental, public health and safety, and aesthetic contribution of trees and other vegetation. **POLICIES** 1. The City shall establish regulations to protect and, when necessary, restore trees and other vegetation to support community aesthetics, maintenance and/or improvement of water quality, erosion control and stability of slopes and unstable soils. 2. The City shall condition development approval to require preservation of existing trees and mitigation of the consequences of tree/vegetation removal. 3. The City shall protect environmental quality and public safety by: a. Regulating removal of trees and other vegetation on steep slopes, in landslide prone areas, within floodplains, water quality (Goal 6 and Title 3), natural resource (Goal 5 and Title 13) overlay areas, ~~habitat conservation~~natural hazard (Goal 7) areas and in tree groves and other forested areas. b. Instituting regulations and practices to prevent and immediately resolve hazards such as falling limbs and trunks and dangerous conditions caused by tree removal such as blow-down, landslides, soil erosion, and altered hydrology. *** 11. The City shall establish an ongoing street tree program to enhance Gresham's livability by improving the aesthetic and environmental quality of its streets and neighborhoods. ***	*Identifying the role of trees and vegetation in slope stabilization and natural hazard mitigation.* *Addition of reference to new data.* *Reference to additional protected features.*

Section 14. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.200 Areas Subject to Natural Hazards is amended as follows:

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS	
10.211 Steep Slopes & Landslides **BACKGROUND** *Overview* The general term landslide refers to a range of slope movement processes including rock falls, debris flows, earth slides, and other mass movements. The main triggers of landslides are precipitation, earthquakes, and human activity. Landslides not caused by humans are a natural process; they shape the landscape and contribute to the overall environmental quality of our world. There are benefits to landslides: "The ecological role that landslides play is often overlooked. Landslides contribute to aquatic and terrestrial biodiversity. Debris flows and other mass movement play an important role in supplying sediment and coarse woody debris to maintain pool/riffle habitat in streams. As disturbance agents, landslides engender a mosaic of seral stages, soils, and sites (from ponds to dry ridges) to forested landscapes"[3]. However, when a landslide impacts people, property, or assets (e.g., roads, buildings, and infrastructure), and the environment in a harmful way, it is a natural hazard. Landslides are a part of the natural process but can affect environmental assets. For example, mass erosion due to landslides may be the source of as much as 50% of the sediment found in a watershed. Human behavior and urbanization may lead to removal of vegetation, alteration of topography (e.g., grading, cutting, and filling), erosion, addition of impervious surface, alteration of natural waterways, changes in stormwater flow, increase in people living in an area (compacting soil, increase in trash) and other activities that may result in landslides that impact people, property, and the environment. These factors of human behavior and urbanization are precursors that increase the risk of landslides. This can result in a single landslide event or a series of cascading events, which may be more than one landslide, or a landslide and another hazard. One environmentally specific result of a landslide can be a dramatic increase in the overall amount of sediment deposited into waterways. Sediment can affect surface drinking water collection systems, fish and wildlife, and the natural environment.	*Language from the DLCD publication "Landslide Hazards: Land Use Guide for Oregon Communities". This better represents the current scientific literature. and updated data*

[3] Geertsema, M., Highland, L., & Vaugeouis, L. (2009). Environmental impact of landslides. In K. Sassa & P. Canuti (Eds.) Landslides – Disaster risk reduction. Springer, Berlin, Heidelberg. doi: https://doi.org/10.1007/978-3-540- 69970-5_31

And, although landslides are generally thought of as localized events, occurring on individual hillsides or slopes, big rainstorms or earthquakes can cause large, catastrophic landslides (such as the 2014 Oso landslide in Washington State) or hundreds of smaller landslides within a relatively short time across a wide region (such as the Portland metropolitan area in the winter storms of 1996). These are but two of the ways landslides can be natural disasters. Landslides lead to an estimated 1-2 deaths per year in Oregon, the average annual loss of life is estimated to be nearer to one or two lives per year (Beaulieu and Olmstead, 199913). However, larger scale events have the potential to cause mass casualties. The winter storms of 1996 led to eight deaths in Oregon due to several individual landslides (Beaulieu & Olmstead, 199914). As the state's population grows, easy-to-develop lands tend to be the first areas developed, leaving more difficult-to-develop areas such as landslide- or other hazard-prone areas. Landslide hazard areas are often areas with steep slopes and higher elevation. These areas can be desirable lands for development, e.g., view properties, that command high prices. They can be complicated to develop, but they become "worth it." Developing in landslide hazard areas puts more people, structures, and infrastructure in hazard areas. Landslides can have direct and indirect effects on people. Landslide materials blocking roads are probably the most common impacts from landslides. A landslide in January 2017 undermined a section of NW Newberry Road in Multnomah County, forcing a road closure until April 2019 (Multnomah County, 201815). For people who use these roads to commute and transport goods, the effect can be costly in both time and money. Oregon is a landslide-prone state, with economic losses potentially exceeding $100 million in direct damage from landslides during severe winter storms. Even without these large events, landslides are a chronic hazard in Oregon, with annual average maintenance and repair costs for landslides in the state estimated at over $10M. A study for the Portland region found approximately 1,700 landslides have occurred within the City of Portland during the last 90 years (1928– 2016). Of these landslides, approximately 830 occurred during the severe storms in 1996. From these historical data, researchers estimated an average of 20 landslides per year in the City of Portland. They also estimate annual loss from landslides in the City of Portland ranges from $1.5M to $3M. In years with extreme winter storms, this estimate can increase to approximately $64M to $81M. Burns et al. (201819) found that approximately $1.65B in land and buildings and almost 6,700 people are located on existing landslides in the Portland metropolitan area. They also found that in some	

communities, almost 50% of modeled damage and losses in a major earthquake are from landslides triggered by earthquakes. Gresham is included in the Portland area data. ~~Landslides are the downslope movement of rock, soil or related vegetation/debris. Geologists use the term "mass movement" to describe the different types of landslides such as rock fall, soil creep, slump, mudflow or debris flow. These kinds of earth movement can cause severe property damage and loss of life. Landslides are naturally occurring and relatively common in western Oregon especially near the coast, Cascades and within the Columbia Gorge, depending upon local geology, slope and soil conditions. They typically occur on the steep slopes of hillsides, ravines of streams and coastal bluffs/headlands during or shortly after prolonged periods of heavy rainfall. Although landslides are propelled by gravity, they can be triggered by geologic events (earthquakes, volcanic eruptions) or by human activity (e.g. excavation, grading, timber harvesting). Regardless of what initiates a landslide, the underlying cause in the northwest are periods of continuous rains that saturate the soil and which lubricate and loosen soil particles and rock so as to set the conditions to begin their downslope movement.~~ ~~Of all the types of landslides, debris flows are probably the most dangerous to people and property. Debris flows are also referred to as mudslides, mudflows, debris avalanches or "rapidly moving landslides". Debris flows commonly start on steep hillsides (70%+) as soil slumps or slides that liquefy, accelerate to speeds of 35 mph or more and flow down hillsides onto gently sloping ground. Their consistency can range from watery mud to thick rock laden wet cement – dense enough to carry large boulders, trees and cars. Debris flows originating from different locations can combine in ravines and stream channels where their destructive power becomes concentrated and greatly magnified. Debris flows because of their high speed are difficult for people to outrun and can be unexpected because of their often distant off-site origin. They have caused most of the recent landside-related injuries and deaths in Oregon. There were a number of debris flows in western Oregon during the intense winter rainfall of 1996. One of these occurred in Douglas County where five people were killed and many others were injured.~~ Besides being initiated by natural processes, the following are examples of man-made changes to hillside areas that can increase the susceptibility for landslides to occur: • Excavation/Grading: Excavation is often needed to build homes or roads on sloping terrain. Grading can result in some slopes that are steeper than the pre-existing natural slopes. Since slope steepness is	*Replaced with updated scientific information* *Replaced with updated language*

a major factor in landslides, these steeper slopes can be at increased risk for landslides. The added weight of fill and structures can also increase landslide susceptibility. • Drainage Alterations: Man-made alterations to natural drainage patterns can be a factor that triggers landslides. Broken or leaking water/sewer lines can be problematic as can surface drainage retention facilities that direct water onto slopes. Lawn irrigation and minor alterations to small streams can also result in landslides. Also, surface drainage from the impervious surface areas of development reduces the opportunity for water to be absorbed into the ground and can create flows that cause erosion of slopes and unstable soil conditions. • Vegetation Removal: Removing vegetation, such as trees from hillsides, also increases the potential for landslides. In particular, trees through their root systems are capable of holding very large amounts of soil that help to stabilize steep slopes. A recent study by the Oregon Department of Forestry of active landslide sites on state forestlands found that 75% of such sites had been logged during the last 10 years. *Oregon's Landslide Related Agencies & Programs* The Department of Land Conservation and Development (DLCD) assists state agencies and local jurisdictions in implementing Statewide Planning Goal 7, Natural Hazards. Goal 7 requires jurisdictions to adopt comprehensive plan policies and implementing measures to protect as much as possible, people and property from natural hazards. Landslides are one of the natural hazards mentioned by Goal 7. In 2019 DLCD published "*Landslide Hazards: Land Use Guide for Oregon Communities*" in conjunction with Department of Geology and Mines (DOGAMI). The DLCD natural hazards planning guide, *"Planning for Natural Hazards: Oregon Technical Resource Guide"*, also addresses landslides. ~~In addition to DLCD, the following state agencies and programs relate to landslides:~~ • ~~Senate Bill 12 – During the 1999 session, the state legislature passed Senate Bill 12 in response to the numerous landslides that had occurred during the winter rains of 1996. This bill requires state and local governments to protect people from rapidly moving landslides (or debris flows). As indicated above, these are the most dangerous kind of landslides. Senate Bill 12 has four major components: it directed the Department of Geology and Mines (DOGAMI) to prepare maps of areas potentially prone to rapidly moving landslides, gave local governments the authority to regulate in areas prone to rapidly moving landslides, adopted standards (ORS 195.250-.260) to be applied by local jurisdictions when the~~	*Language from the DLCD guide. Updated guide reference.* *Outdated information.*

~~DOGAMI mapping is completed, and provided $50,000 to a jurisdiction (Douglas County was later selected) to develop a model ordinance for regulating development in these areas.~~ ~~Pending completion of the DOGAMI mapping, jurisdictions will need to modify their comprehensive plan/development standards and implement the Senate Bill 12 regulations if the DOGAMI maps show rapidly moving landslide areas in their communities. These standards include: requiring a geotechnical report if a property is shown to be within a rapidly moving landslide area, coordinating review of the report by DOGAMI before issuing permits, and regulating dwellings in debris flow areas by imposing mitigation measures and development conditions based on the recommendations of the geotechnical report.~~ • ~~DOGAMI – DOGAMI has completed some preliminary maps showing potential areas susceptible to rapidly moving landslides for western Oregon jurisdictions, including Gresham. DOGAMI refers to these areas as "Further Review Areas". They are defined by Senate Bill 12 and ORS195.250 as: "An area of land within which further site specific review should occur before land management or building activities begin because either DOGAMI or ODF (Oregon Department of Forestry) determines that the area reasonably could be expected to include sites that experience rapidly moving landslides as a result of excessive rainfall."~~	*Including new data*
During the last decade, DOGAMI has produced lidar-based, detailed landslide inventory, shallow landslide susceptibility, and deep landslide susceptibility maps for many communities in Oregon. Lidar, a form of laser technology, has significantly increased the ability to locate and map existing landslides. Lidar allows mappers to see the earth's surface with a much higher level of detail than has ever been available, and as the technology continues to improve, so too does the level of detail. Lidar even allows mappers to see the ground beneath vegetation and trees, as if the earth had been stripped bare. This gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked. Additionally, Lidar technology has enhanced DOGAMI's ability to model landslide susceptibility and improved the quality of topographic data such as elevation, slope, and contour lines. ~~State Building Codes Division – The division adopts statewide standards for building construction that are then administered by the state and local jurisdictions. These standards include requirements for cut, fill, and sloping of the lot relative to the location of the foundation. There are also foundation design requirements depending upon soil type, soil-bearing pressure, and compaction/lateral loads from soil and water on sloped lots. The local building official has the authority to require a soils analysis for any project where it appears the site conditions do not meet the requirements of the code or that special design measures must be taken. State building codes do not,~~	*State building code and guidance regarding that code changes without going through the land use process or meeting Goal 1 of the land use system.*

however, set standards for grading not associated with the construction of buildings. However, local jurisdictions have the option of adopting the state grading standards for non-building related grading. *Gresham's Steep Slope/Landslide Related Standards* Gresham relies upon DOGAMI's landslide inventory, shallow landslide susceptibility map and high landslide susceptibility maps published as Interpretive Map 57 as well as a the 2014 LiDAR-derived Digital Elevation Model (DEM) produced by DOGAMI's Oregon Lidar Consortium to create a Hillside and Geologic Risk Overlay (HGRO). The HGRO is based on accumulations of landslide hazards. Gresham has further chosen to protect areas of 35% slope or greater due to their increased likelihood of risk but also their other values (such as aesthetics and tree canopy). Most of Gresham's steep slope areas (15% and greater) and potential landslide areas are found in the southerly part of the City on or near Gresham Butte and the smaller Grant Butte. Gresham regulates development on these slopes through its development code and by implementing applicable state building code standards. The following is a summary of these requirements: • Gresham's development code has the Hillside Physical Constraint Overlay District that limits development on the buttes and other areas with slopes of 15% or greater. These areas are shown on the Hillside Special Purpose District Map. This overlay district was amended in 2003 in order to provide clearer and more objective standards, offer greater flexibility to avoid development of steeper slopes (>35%) and to be consistent with above Senate Bill 12. Among the purposes of this overlay is to ensure that development proposed on or near hillsides and landslide hazard areas conforms to the natural topography and minimizes the potential of earth movement such as landslides. In general, this overlay limits the percentage of each lot and the overall site area with slopes of 15% and greater accumulation of geologic risk that can be graded (for building pads, driveways, etc.) and essentially requires that sites with slopes greater than 35% be developed through the planned development (PD) process. A PD must dedicate at least 30% of the steeper parts of the site as open space. Also the PD standards allow less housing density (or larger lots) as the average slope of a site increases on heavily slope areas. Building lots are not allowed to include sloped areas greater than 60%. The hillside standards require a geotechnical professional review and certify soils and geology report with recommendations as part of a development application in order to mitigate increased hazard that would otherwise be created evaluate slope stability, bedrock/soil conditions, drainage patterns, seismic risk, and other geological factors. In addition, a geotechnical report is required for any	*Description of how Gresham had used new data to create the Hillside and Geologic Risk Overlay.* *Description of the High Slope Subarea of the Hillside and Geologic Risk Overlay* *Updated to reflect the new hillside protection paradigm*

~~proposed disturbance of slopes greater than 35%. The City's engineering/environmental consultant then reviews these reports and sends comments/recommended conditions to development planning staff.~~ ~~The Hillside Physical Constraint District Overlay and map also address the "rapidly moving landslide " or debris flow areas that are the focus of Senate Bill 12 and ORS 195.250. These are derived from the preliminary DOGAMI debris flow maps, referred to by DOGAMI as "Further Review Areas", and fall within the 15% and greater sloped areas regulated by Gresham's hillside district. They appear on the City's hillside district map (attached Map No. 2) as "Higher Landslide Risk Area" and are found primarily on Gresham and Grant buttes. Section 5.0277 (Development in "Further Review Areas") of the hillside district has standards specifically for development proposed within these areas. With the exception of the geotechnical report requirement, these standards will be applied to development after DOGAMI completes its mapping effort. In the interim, development applications within these areas must include a geotechnical report prepared by a geotechnical engineer. The report must describe those design and construction measures that will be taken in order to reduce the potential for rapidly moving landslides and to maintain slope stability. DOGAMI staff as well as the City's geotechnical engineering consultant then review the report and make comments that are incorporated into the staff report.~~ • Gresham also regulates the removal of trees and other vegetation on hillsides through the Hillside ~~Physical Constraint District~~ and Geologic Risk Overlay ~~and through its city-wide tree removal regulations~~. ~~Section 5.0225 of the hillside district requires the maintenance of trees and vegetation outside of developed areas to be mainlined to protect against soil erosion and earth movement. Italso prohibits the removal of trees with a circumference of 25 inches or greater (8 inch+ diameter) that are located more than 10 feet from proposed roads, driveways, utilities and building pads. Section 5.0223 also requires that no more than 35% of a development site area be graded or cleared of vegetation. In addition, Section 9.1000 of the development code contains additional citywide tree removal regulations, including a prohibition on the clear cutting of trees on slopes of 15% and greater. Clear cutting is defined as: "Any tree removal which leaves fewer than an average of one tree per 1,000 sq. ft. of lot area, well distributed throughout the entirety of the site."~~ • Gresham's Building Division reviews building permit applications for compliance with the state building code (adopted IBC and IRC) requirements. These include those standards related to placing structures on sloped sites. ~~As previously indicated, the City's hillside district requires a geotechnical report (in addition to Soils/Geology Report) for development proposed on slopes greater than 35% as well as~~	*Rapidly moving landslides are only one type of landslide and are a component of the Hillside and Geologic Risk Overlay.* *Trees are regulated through the Hillside and Geologic Risk Overlay* *Building permits continue to be required and reviewed. Any state Building Division regulations regarding slope will be reviewed at this time.*

~~within the potential rapidly moving landslide areas that have been delineated by DOGAMI. A geotechnical report focuses on the impacts that the particular soil and geologic features will have on a proposed structure as well as the impacts the structure will have on the long term stability of those natural features. If the general geotechnical report for a subdivision or other development recommends that individual reports be done for any future structures such as house foundations and retaining walls, then the structural engineer in the City's Building Division reviews these structure related geotechnical reports. A copy is also sent to state DOGAMI staff for their review and comments.~~

- Gresham's development code (Section 9.0500) has city-wide requirements for grading, drainage, erosion control and stormwater detention/treatment. These include specific design standards that limit the steepness of cuts and fills and the composition and compaction of fills. The erosion control standards are intended to prevent soil movement during construction and the sedimentation of waterways. They require applicants to submit an erosion control plan as part of their permit application and to implement the best management practices that are described in the City's erosion control manual.

SUMMARY OF MAJOR ISSUES

The following are some of the issues, circumstances and conditions, which were considered in the update of this Comprehensive Plan chapter.

- Landslides are natural events that can be exacerbated in intensity and frequency by development related activities such as grading and vegetation removal. They typically occur on steep hillsides such as found in the Columbia River Gorge and on the buttes in south Gresham.
- Geologists acknowledge that Gresham has been the site of a number of landslides and has areas that due to slope, geology, and other factors are at high or moderate risk of a number of different types of landslide and DOGAMI and DLCD have provided guidance in adopting ~~debris flows or "rapidly moving landslides" are the most damaging and life threatening kind of earth movement because of their large mass, velocity and distant origin. The state legislature, through Senate Bill 12, directed the state Department of Geology and Mining Industries (DOGAMI) to map areas in western Oregon (including Gresham) that are susceptible to debris flows, adopted~~ development standards for ~~them~~ risk reduction and authorized local jurisdictions to adopt development regulations for these areas in order to protect lives and property.
- Gresham controls development on hillsides with ~~slopes of 15% and~~ accumulations of Geologic Risk ~~greater~~ primarily through its Hillside ~~Physical Constraint Overlay~~ and Geologic Risk Overlay~~District~~ and

Updated to better reflect the current scientific understanding of landslide risk

Updated to reflect the basis of the Hillside and Geologic Risk Overlay

Updated to reflect new requirements

associated special purpose district map. ~~These standards and map were amended to address above Senate Bill 12 and state debris flow information as well as to offer more flexible development standards so that the grading, vegetation removal and development of steep sloped areas can be minimized and the potential for landslides is reduced~~. Gresham also implements applicable state building code standards for locating structures on sloped areas such as through its geotechnical certification ~~report analysis~~ requirements for proposed foundations and retaining walls.

GOAL, POLICIES AND ACTION MEASURES

GOAL

Protect life and property from hazards associated with landslides and unstable soils.

POLICIES

1. The Community Development Code shall discourage land divisions in areas over 35% slopes~~.~~. Property that is entirely above 35% slopes may be improved to the extent of one dwelling per existing lot of record. Subdivisions of land that are partially above 35% slope shall not generally include development of the portions in excess of 35% slope. Limited development of the portions of the site on greater than 35% slopes may be permitted when these steep slopes encroach into areas which are logical dwelling locations and engineering studies determine that development will be in compliance with accepted engineering design principles. Dwellings planned on greater than 35% ~~up to 60%~~ slopes may be permitted when located within a Planned Development of 10 or more acres in size; and occur on land which is not susceptible to earth movement or landslide hazards; and where construction and design methods are employed to minimize cuts, fills and other potential adverse impacts.

2. Limited development on greater than 35% slopes may occur for a residence on a vacant lot of record, trails/multi-purpose paths, and for the logical extension and provision of public facilities, utilities, and driveways, where construction and design methods are employed to minimize cuts, fills, and other potential impacts. With these exceptions and those related to planned developments (Policy #1), all other sloped areas of greater than 35% on development sites shall be protected by an easement or by dedication of an open space tract.

3. Land divisions on slopes greater than 35% shall only be allowed through the Planned Development (PD) process. The PD standards for hillside development shall encourage the transfer of density to those site areas with less ~~than 15% slopes~~geologic risk, ~~allow less development density as the degree of slope increases,~~ and limit the amount of sloped areas greater than 35% that can be included as part of building lots.

4. Removal of trees on areas with accumulation of geologic risk shall be restricted to prevent clear cutting and to limit removing trees with a trunk diameter of 8-inches and greater.	*Updated to reflect the basis of the Hillside and Geologic Overlay*
5. City development standards for ~~slopes of 15% or greater~~ areas with an accumulation of landslide risk shall limit the amount of site area that can be graded, cleared of vegetation, or otherwise disturbed.	
6. Development on ~~slopes of 15% or greater~~ areas with an accumulation of landslide risk will require a ~~soils/geology report prepared by a state certified engineering geologist or geotechnical engineer to evaluate geologic conditions and hazards, slope stability, and to provide recommendations for protecting life and property from landslides and soil erosion~~ a geotechnical professional to review design and certify a that development will mitigate any increased hazard that would otherwise be created and the applicant must certify that development will follow geotechnical specification and recommendations.	*Updated to reflect the basis of the Hillside and Geologic Overlay*
In addition, development within an area identified on the Hillside and Geologic Risk Overlay~~Physical Constraint Overlay District map as a potential "Higher Risk Landslide Area"~~ shall require a ~~geotechnical report that describes how the proposed construction methods and design measures will maintain slope stability and minimize erosion~~. a geotechnical professional to review designs and certify a development will mitigate any increased hazard that would otherwise be created.	*Updated to reflect the basis of the Hillside and Geologic Overlay*
7. Development on ~~slopes of 15% and greater~~ areas with an accumulation of landslide risk shall be required to handle surface water runoff in a way that will not destabilize slopes, increase erosion or degrade water quality.	*Updated to reflect the requirement for a geotechnical professional to certify designs are safe*
~~8. The City hillside development standards shall include state ORS 195.250 requirements that pertain to potential rapidly moving landslide ("Further Review Areas") identified by the state Department of Geology and Mining Industries (DOGAMI). These standards will be applied to proposed development within such areas after their mapping by DOGAMI is finalized. In the interim, the City shall require geotechnical reports for developments proposed in the "Higher Landslide Risk Areas" (DOGAMI's "Further Review Areas") that are shown on Gresham's Hillside Physical Constraint Overlay District map.~~	*Updated to reflect the basis of the Hillside and Geologic Overlay*
ACTION MEASURES	
1. The City will continue to protect steep slopes and landslide hazard areas as public open space/wildlife habitat as Metro bond measure funds and other funding sources become available for this purpose.	*This state language has been superseded*

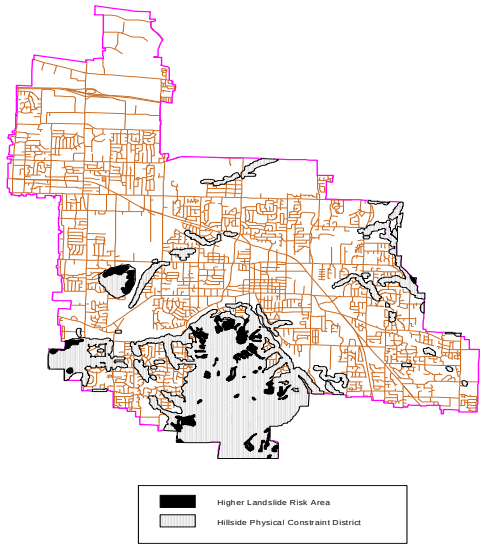
2. Provide staff resources to inspect hillside developments that are under construction in order to ensure their compliance with erosion control, drainage and slope stability standards as well as compliance with development code limitations on grading and the removal of trees and other vegetation.

3. Encourage and offer incentives for innovative site designs (such as clustering dwelling units) that exceed City standards related to allowed slope disturbance, tree removal, etc., and which propose to set aside a substantial amount of the site as protected open space.

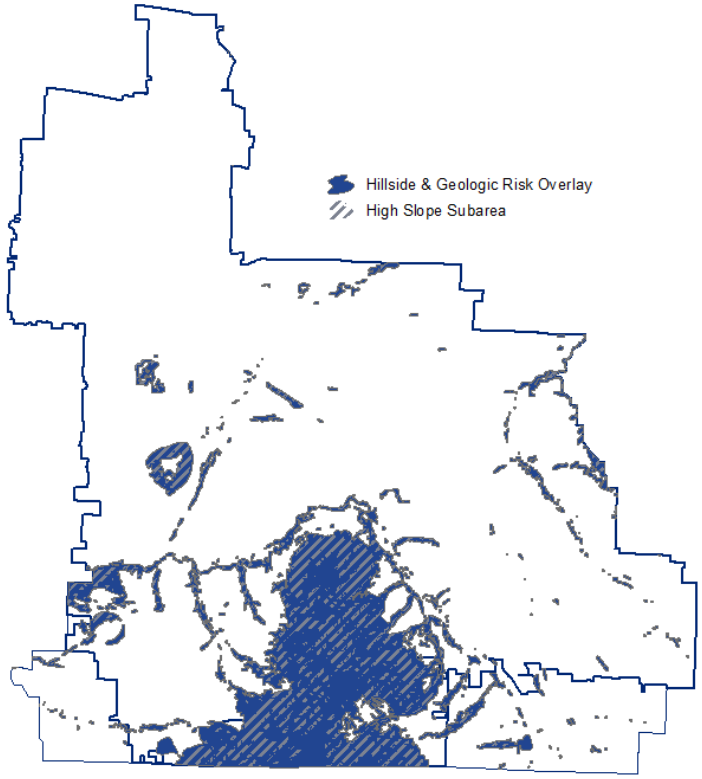
4. Update Gresham's hillside maps/development standards so that they reflect new maps and other current information from DOGAMI, etc. about the location and severity of potential landslide hazards, recommended content for geologic/geotechnical reports and how landslide risks can be minimized.

5. Provide information to the public on the City's website and at the building permits center about preventing landslides and soil erosion on hillsides. This should include landslide hazard maps and information about potential risks, using innovative building design techniques for hillsides, using native plantings to stabilize slopes instead of installing a lawn, managing surface water runoff to avoid soil erosion and how to minimize cuts and fills.

Map No. 2



Hillside Physical Constraint District map removed

Hillside and Geologic Risk Overlay Map  	*Hillside and Geologic Overlay map inserted*
10.212 Earthquake Hazards *** **Gresham's Seismic Risk & Preparedness Measures** *** Gresham has addressed the potential damage from earthquakes in the following areas: • The Gresham Emergency Operations Plan (EOP) sets forth the City's action plan and describes how its departments will respond to various natural hazards and other emergencies. Section III-B of the plan addresses earthquakes. In addition to structural damage to buildings, the plan states that an earthquake of between 6.0 and 8.0 on the Richter Scale may include fires/explosions, disruption of	

vital services such as water and power, looting, and flooding from dam failures on the Columbia and Sandy rivers. The emergency actions listed in the EOP that describe how the City would respond to an earthquake take these possible consequences into account. • The City's Building Codes Division of the Community ~~and Economic~~ Development Department (C~~E~~DD) reviews building permit applications for compliance with IBC and IRC requirements. The division has a structural engineer who reviews plans for buildings subject to the above-described state seismic standards. • <u>The Hillside and Geologic Risk Overlay does not directly address seismic risks, however it does help mitigate one of the most common secondary risks, landslides.</u> • ~~Gresham's development code has the Hillside Physical Constraint Overlay District that limits development on the buttes and other areas with slopes of 15% or greater. These areas are shown on the Hillside Special Purpose District Map. Among the purposes of this overlay is to ensure that development proposed on or near hillsides conforms to the natural topography and minimizes the potential of earth movement such as landslides. In general, this overlay limits the percentage of lot area that can be disturbed (by grading, etc.) or developed, essentially allows only needed roads and utilities on slopes of 35% or greater, and requires a soils and geology report as part of a development application in order to evaluate slope stability, seismic conditions/risk, and other geological conditions.~~ ~~Those areas on the buttes that, in the opinion of DOGAMI, are particularly susceptible to landslides ("Higher Landslide Risk Area") are also shown on the special purpose district map. For proposed development in these areas and in areas with slopes of 35% or greater, the hillside district also requires a geotechnical report prepared by a geotechnical engineer. The report must describe those design and construction measures that will be taken in order to reduce the potential for landslides and to maintain slope stability. DOGAMI staff as well as the City's geotechnical engineering consultant then review the report and make comments that are incorporated into the staff report.~~ ***	*Updated to reflect the name of the department* *Gresham's hillside protections have never covered seismic risk.*

<u>Section 15</u>. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.220 Natural Resources is amended as follows:

Proposed Text Amendment	***Commentary***
Section 10.221 Natural Resources, Fish and Wildlife Habitat, Water Resources and Ecologically and Scientifically Significant Areas	

SUMMARY OF FINDINGS ~~Some 45 sites having potential significance as natural resource areas have been identified in the Inventory of Significant Natural Resources and Open Spaces. These include wetlands, riparian corridors, upland areas, and greenways. Many of these sites support a wide variety of plant and wildlife species which add an indispensable element to the quality of life in Gresham. A stand of Hogan's cedar trees has been identified as being ecologically and scientifically significant. These resources perform a number of additional useful functions, including stormwater retention, water cleansing, slope stability, recreation, and visual relief in an otherwise urban landscape.~~ Natural resource catalogue efforts at the city of have been evolved from the time of the City's original Inventory of Significant Natural Resources and Open Spaces (1988), which was a "windshield and limited field work" inventory, to today's sophisticated GIS data-derived records that are refined where possible with field site visits to confirm presence and extent of jurisdictional features and compared against aerial photo interpretation results. Since 2001, resource catalogues have included this combination of GIS analysis, field review, and comparison with aerial photos. These composite methods have been used to identify the present catalogue of protected resources and risk mitigation areas, including: water quality resource wetlands, streams, riparian corridors, upland habitat areas, floodplain management areas, and geologic risk areas. These resources provide complex ecological functions that impact public safety, water quality, habitat values, and community livability, as discussed below. Policies and strategies within this category are intended to protect the most significant of these resources while allowing appropriate degrees and types of development where impacts to these resources can be minimized (Sections 2.300 to 2.370 - Findings document). Policies and codes outlined in this section have been developed by the City to comply with federal and state regulations to protect water quality, reduce pollutant impacts, and provide habitat for federally listed salmonid species, and have been developed to ensure substantial compliance with Metro's Urban Growth Management Functional Plan Title 3 (which complies with Oregon Land Use Planning Goals 6 and 7) and Title 13 (which complies with Oregon Land Use Planning Goal 5). **NATURAL RESOURCES POLICY** It is the policy of the City to assist in protecting the quality and quantity of the following resources: 1. Surface water resources 2. Floodplain function 3. Groundwater, aquifer, and drinking water protection	*Updated to more accurately reflect the current situation*

~~1~~4. Fish and wildlife habitats. 5.Visual resources (scenic views and sites). ~~3. Water resource~~ ~~4. Ecologically and scientifically significant areas~~ 6.Mineral and aggregate resources. 7.Energy sources. ~~8.~~Significant and unique natural features, such as a major stand of trees. The City will assess the impacts on these resources when a development project is proposed. The project developer and city staff shall outline measures to preserve or mitigate negative impacts on these natural resources. **IMPLEMENTATION STRATEGIES** **1.** The City ~~An Inventory of Significant Natural Resources and Open Spaces~~shall ~~be adopted as~~maintain ~~an appendix to the Community Development Plan. This inventory shall list those~~ catalogue of natural ~~resource and open space~~resources based upon best available data, comprised of those resources features ~~which are~~ found to be most significant ~~in~~to the community. ~~For each resource the Inventory shall include~~This catalogue will be accompanied by a description of ~~its~~resource characteristics, and significance, within an analysis of conflicting uses, and a summary of economic, social, environmental, and energy (ESEE) consequences of permitting or restricting conflicting uses. **2.** Based on ~~findings contained in~~ the ~~Inventory of Significant Natural Resources~~ catalogue and ~~Open Spaces, provisions~~ associated ESEE analysis, protections shall be adopted in the Community Development Code and Standards document to restrict development actions on specific sites identified in the Inventory when such actions would have adverse impacts. **3.** Sites as specified as Open Space in the Inventory of Significant Natural Resources and Open Spaces or catalogued as Natural Resources shall be designated on the Community Development Special Purpose District Map as special purpose districts. Such district designations shall include Natural Resource (NRO), and Open Space (OS). **4.** Sites ~~as specified~~included in the ~~Inventory of Significant Natural Resources~~catalogue of natural resources and ~~Open Spaces~~ESEE analysis shall be designated on the Community Development Special Purpose District Map as special purpose districts. Such district designations shall include ~~Natural Resource (NR), and Open Space (OS).~~Floodplain (FO), Hillside and Geologic Risk (HGRO), Natural Resource (NRO). These districts shall function as special purpose overlay districts. 4. ~~Sites indicated in the Inventory of Significant Natural Resources and Open Spaces as having particular importance as fish and wildlife habitat areas shall be designated on the Community Development Special~~	*Updated to better reflect current understanding.* *Updated to better reflect current situation, regulations, and practice* *Updated to reflect new terms* *Updated to reflect overlays*

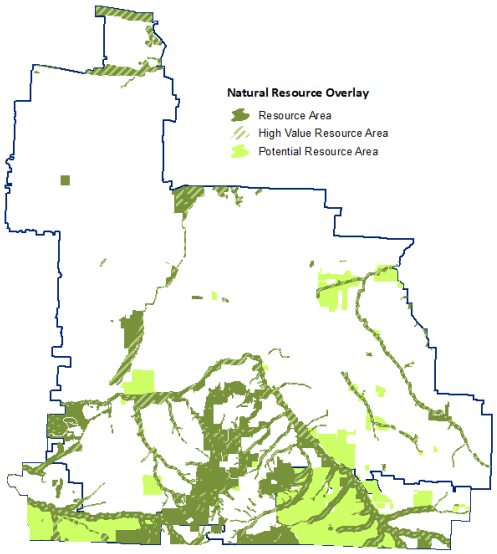
~~Purpose District Map as Natural Resource (NR) districts. The NR district shall function as a special purpose overly district.~~

5. Measures shall be adopted in the Community Development Code and Standards document to restrict development proposed within or adjacent to an ~~NR district~~NRO site. These measures shall require any such development to take place in a manner which minimizes adverse impacts on the resource site. ~~Findings of public need and lack of alternative sites shall be required in connection with any proposed development activity within an NR district site.~~

6. Within ~~specific~~ wetland sites as identified ~~in the~~ through Gresham's Local Wetland Inventory~~of Significant Natural Resources~~, or which meet the City and Metro's criteria for a regulated Title 3 wetland, ~~and Open Spaces~~, development shall be permitted only in connection with an approved plan for mitigation. Such mitigation plan may include creation of a functionally equivalent wetland area elsewhere, in conformance with mitigation policies of the ~~U.S. Environmental Protection Agency.~~Oregon Department of State Lands, the US Army Corps of Engineers, and the Oregon Department of Environmental Quality's 401 Water Quality Certification Program, and if the proposed mitigation is within the same watershed (at the 5th field Hydrologic Unit Code scale).

***

Natural Resource Overlay Map



This policy has not been reflected in code for many years and may be a takings

Updated to reflect code and standards

Updated to reflect new state and federal guidelines

B. GRESHAM BUTTE SCENIC VIEW

SUMMARY OF FINDINGS

Summary of Findings

The City has had a long commitment regarding the protection of Gresham Butte. In 1980, the City adopted the Hillside Physical Constraint District (HPCD) rules which regulate development on sloped properties such as those found on the Butte. Then, in 1999, the Gresham City Council approved the establishment of the Gresham Butte Plan District (GBPD) which covers roughly 95 acres on the top of the butte. The GBPD increased lot sizes to an average of one acre, and included fire suppression, transportation and stormwater rules.

The HPCD was substantially updated in 2003 and refined the way in which density calculations were done for properties such as those found on Gresham Butte and also required the submittal of a Soils and Geology Report outlining the geologic conditions of the land and an evaluation of potential hazards. In 2009, the City adopted the Habitat Conservation Area Overlay District (HCA) which provided more protection for fish and wildlife and upland habitat when construction and development occur within those specified areas. Parts of the Butte are subject to HCA rules.

The HPCD was renamed to the Hillside and Geologic Risk Overlay in 2021 at the same time the HCA was replaced with the Natural Resource Overlay.

In 2013, the Gresham Butte Neighborhood Association requested that the Gresham City Council initiate a review of development rules that could impact the scenic views provided by the Butte. This project, Gresham Butte Scenic View, was included on the 2014 Council Work Plan and was continued to the 2015 Council Work Plan. This project was intended to:

- Update the City's Community Development Plan findings, goals, policies and action measures relating to the preservation of Gresham Butte's scenic view. There are no goals or policies specific to Gresham Butte's scenic view and, although there are five implementation strategies[4] regarding visual resources, none of them are specifically targeted to the protection of Gresham Butte.

[4] Implementation Strategies are now called Action Measures

• Review and update current rules and development processes that allow for development on the Butte that could impact the scenic view it provides. There are no development rules for Gresham Butte that would help preserve its view or acknowledge that certain types of development (such as tall structures) could potentially impact that view. Which parcels actually comprise the area known as Gresham Butte is currently undefined. • Examine land use processes and notice requirements for development on the Butte to make modifications which provide for more extensive notice. The Code does not acknowledge that development on the Butte may affect properties in many areas of the city due to the potential visual impact of development. Development on the Butte is handled under the same review types and receives the same public notice as the development of property off of the Butte. ***	*Reflecting changes in names and overlays*

Section 16. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.230 Environmental Quality is amended as follows:

Proposed Text Amendment	***Commentary***
*** **10.232 Water Resources Quality** **INTRODUCTION** ~~The City of Gresham and its~~Within Gresham's Urban Services Boundary ~~encompass four distinct drainage basins. They~~are portions of the following watersheds: ▪ West Gresham ▪ Fairview Creek to the /Columbia Slough Watershed, which drain to the Willamette River ▪ Johnson, Butler and Kelley Creeks, which drain to the Willamette River Watershed ▪ Burlingame, Kelly, and Beaver Creeks, which drain to the Sandy River Watershed. Portions of ~~all~~each of these drainage basins are within a large area that has groundwater resources- water-bearing layers of silts, sands and gravels. This includes the very important Troutdale Gravel Aquifer. This	*Updated to more accurately reflect the current situation*

aquifer supplies water to the Columbia Southshore Wellfield. Wells in this area are essential to provide back-up water supply to the Portland Water Bureau and its customers. Each drainage basin is a complex ~~environmental~~ system of topography, vegetation hydrology, and geomorphology. Water flows through each via a network of interconnected streams and drainage ways, underground channels, and aquifers. Water quality problems in one drainage basin not only can affect the nearest stream system and possibly aquifers, but also all other downstream waters and, sometimes, groundwater resources. Water pollution, like air pollution, knows no boundaries and can be widespread and harmful. Consequently, the federal government has enacted national laws requiring conformance to minimum standards. Local and state governments are required to conform to federal laws such as the Clean Water Act. In Oregon, the Department of Environmental Quality has the responsibility of implementing the act. ~~Within the Portland Metropolitan region, water quality has diminished to the extent that it has contributed to the decline of several fish populations. These populations have become either endangered or threatened per the federal Endangered Species Act (ESA). This has significant implications. New development activity will have to be evaluated for its impact on water quality; significant restoration efforts to natural drainage ways and streams will be needed. Development of regulations and standards to address ESA requirements are being undertaken by Metro in cooperation with the region's local governments. Gresham and local governments will have a choice – to either adopt Metro's protection program or a local one that accomplishes the same objectives.~~ Gresham created a separate Stormwater Division in its Department of Environmental Services in 1993. This was partly in response to growing awareness of the importance of water quality and expanding federal, state and regional rules and mandates. The City's Stormwater Division is primarily responsible for management of the surface water quality within Gresham. Among its many responsibilities is assuring conformance with federal and state water quality laws and rules. <u>Within the Portland Metropolitan region, water quality impairment, loss of habitat, and loss of stream complexity has contributed to diminished biodiversity. Remnant populations of federally protected salmonids are still present in the Johnson and Kelley Creek systems, with evidence of slightly increasing numbers since 2010. Efforts to improve water quality and other habitat features for these ESA-listed species have been coordinated with water quality improvements within City of Gresham programming within the Department of Environmental Services which oversees public works, water quality, and natural resources programming and</u>	*Updated to more accurately reflect the current situation*

community outreach. In addition to those efforts, new development activity will have to be evaluated for its impact on water quality; existing resources will need to be protected, restoration of area creeks and their related buffers will continue to be needed, and the development process will need to ensure that unavoidable impacts are fully mitigated. Water quality protections were adopted by Gresham Community Development Code in 2002 with inclusion of language intended to comply with Metro Title 3 standards, which provided regional implementation guidance for Oregon Land Use Planning Goals 6 and 7. Habitat protections have been incorporated into Gresham's land use code via compliance with Metro Title 13 (Nature in the Neighborhoods) and through Title 13, with Oregon Land Use Planning Goal 5.	*Correcting grammar and using more accurate language*
WATER QUALITY ISSUES Throughout Gresham, urbanization and other activities ~~has~~have caused the loss of naturally permeable surfaces capable of absorbing and filtering ~~surface water~~precipitation and runoff. Drainage ways and streams have been filled, directed into culverts or hardened channels and development has occurred in wetlands and floodplains. This has prevented these resources from storing and filtering stormwater. Also, riparian vegetation has been removed, leaving water bodies exposed to direct sunlight, which significantly increases water temperature. Elevated water temperatures are inhospitable to many forms of aquatic life, especially for many fish species such as salmon, trout and steelhead. Excess rainwater, often carrying pollutants from impermeable surfaces, flows ~~directly into~~ rapidly through piped drainage systems and open drainage ditches ~~and~~ into our local streams and wetlands. This situation can cause significant problems, including ~~damage to the stormwater system,~~ flooding; hydromodification of the stream channel, which includes downcutting of the channel, widening of stream channels, and bank erosion; sedimentation ~~and~~, damage to fish and wildlife habitat, and damage to the stormwater system. Furthermore, ~~without the natural ability~~decreased infiltration due to impervious surfaces and the loss of wetlands, floodplains and riparian soils ~~to store~~diminishes water storage which can lead to other serious impacts~~can result~~, including reduced dry-weather flows, degraded water quality, loss of aquifer capacity, land subsidence and the loss of fish and wildlife habitat. The potential for groundwater pollution affecting aquifers is a regional concern. If solvents and other toxic materials get in the aquifers, the region's access to drinkable water would be compromised. ~~This is a particular concern for the aquifer that supplies the Southshore wellfields~~As Gresham becomes more reliant on groundwater as a drinking water source, protection of groundwater from spills, illicit discharges, and other pollutants is critical.	*Correcting grammar and using more accurate language* *Updated to more accurately reflect the current situation and the recent Council policy decision to decrease reliance on Bull Run water.*

~~North of the Southshore wellfields, some contamination of shallow aquifers by industrial chemicals has taken place. It is estimated that this occurred over twenty years ago. While no longer occurring, a contaminant plume is slowly progressing toward the location of the deeper wellfield aquifer. Monitoring and remediation efforts are ongoing. Wells have been drilled to bring the contaminated water closer to the surface to allow solvents to evaporate. Other wells are in place specifically to monitor pollutant travel speed and direction~~ *** In addition to the CWA, the Safe Drinking Water Act and the Endangered Species Act have related water quality protection requirements that Gresham must meet. Also, the state and Metro have adopted rules and policies applicable to local jurisdictions that are intended to implement federal requirements. The following summarizes the seven federal, state and regional water quality regulatory programs under the Clean Water Act that Gresham and other Oregon jurisdictions must comply with. **National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer Systems** DEQ administers this federally mandated permit program, which requires local jurisdictions to develop and implement management practices that reduce the pollutants carried by stormwater into state waters. State waters include all natural water bodies, plus those waters that connect to other natural water bodies. **Water Quality Standards and Total Maximum Daily Loads (TMDLs)** To comply with federal requirements, Oregon DEQ adopted water quality standards that protect beneficial uses such as drinking water, cold water fisheries, ~~aesthetics,~~recreational contact, agriculture and other uses. DEQ's standards cover parameters such as bacteria, pH, turbidity, dissolved oxygen, temperature, and total dissolved gas, certain toxic and carcinogenic compounds, habitat and flow modification, and aquatic weeds or algae. Gresham's ~~stormwater~~water resources must not ~~cause~~ show a violation of these standards ~~when it flows into state waters~~. If a water body doesn't meet the standards, DEQ is required to set a TMDL. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. Because Gresham surface waters violate one or more water quality standards at some point during the year, DEQ ~~has~~ established TMDLs that required further efforts by Gresham to clean up stormwater and protect and restore riparian areas, as well as wetland and stream functions. The City has been making progress on these goals in part through a City-developed TMDL Implementation Plan and the NPDES permit process.	*Updated to more accurately reflect the current regulatory situation*

There are three water bodies within Gresham that are listed by the Oregon Department of Environmental Quality (DEQ) as "water quality limited."and have TMDLs established. All surface waters draining to listed water bodies are also considered water quality-limited and are to be addressed in a Designated Management Agency's TMDL response. DEQ is required by the federal Clean Water Act to maintain a statewide list of water bodies that do not meet federal water quality standards. This list is called the 303(d) list because of the section of the Clean Water Act that establishes the requirement. Parameters are removed from the 303(d) list once a TMDL is set for them, although an approved TMDL does not indicate that the waterbody is meeting the water quality standard. Table 1, below, is the current list of Gresham streams and other water bodies that do not meet current standards.

Updated to more accurately reflect the current regulatory situation

Table 1

303(d) Listings and TMDLs for Gresham Water Bodies

WATER QUALITY LIMITED WATER BODIES WITHIN GRESHAM (10/10/~~03~~20)

Waterbody	Parameter	Time of Year	Year 303(d) Listed	Year TMDL ~~Expected~~Approved
Beaver/Kelly Creek	*E. coli*	Summer	2002	2005
Beaver/Kelly Creek	Dieldrin	Year Around	2018	Not known
Beaver/Kelly Creek	DDT	Year Around	2018	Not known
Beaver/Kelly Creek	Chlordane	Year Around	2018	Not known

Beaver/Kelly Creek	Biocriteria	Year Around	2018	Not known
Beaver/Kelly Creek	Dissolved Oxygen	Year Around	2018	Not known
~~**Johnson Creek**~~	~~PCB and PAHs~~	~~Year Around~~	~~2002~~	~~Not known~~
Johnson Creek	Temperature	Summer	1998	~~2003~~2006
Johnson Creek	Dieldrin	Year Around	1998	~~2003~~2006
Johnson Creek	DDT	Year Around	1998	~~2003~~2006
Johnson Creek	Endosulfan	Year Around	2018	Not known
Johnson Creek	Endrin Aldehyde	Year Around	2018	Not known
Johnson Creek	Iron	Year Around	2018	Not known
Johnson Creek	~~*Fecal Coliform*~~*E. coli*	Year Around	1998	~~2003~~2006
Johnson Creek	Biocriteria	Year Around	2018	Not known

Johnson Creek	Mercury	Year Around	2006	2019
Fairview Creek	~~*Fecal Coliform*~~*E. coli*	Winter/Spring/Fall	1998	~~2003~~2006
Fairview Creek	~~*E Coli*~~*E. coli*	Year Around	1998	~~2003~~2006
~~**Fairview Creek**~~	~~pH~~	~~Spring/Summer~~	~~1989~~	~~De-List 2004~~
~~**Fairview Creek**~~	~~*E Coli*~~	~~Summer~~	~~2002~~	~~2007~~
~~**Fairview Creek**~~	~~Temperature~~	~~Spring/Summer/Fall~~	~~1998~~	~~2003~~
Columbia Slough	Iron	Year Around	2002	Not known
Columbia Slough	Manganese	Year Around	2002	Not known
Columbia Slough	Chlorophyll a	Spring/Summer/Fall	Pre-1996	1998
Columbia Slough	Dissolved Oxygen	Year Around	Pre-1996	1998
Columbia Slough	pH	Spring/Summer/Fall	Pre-1996	1998

Columbia Slough	Phosphorus	Spring/Summer/Fall	Pre-1996	1998	
Columbia Slough	Bacteria	Year Around	Pre-1996	1998	
Columbia Slough	DDT/DDE	Fish Tissue: Year Around	Pre-1996	1998	
Columbia Slough	PCBs	Fish Tissue: Year Around	Pre-1996	1998	
Columbia Slough	Lead	Year Around	Pre-1996	1998	
Columbia Slough	Dieldrin	Fish Tissue: Year Around	Pre-1996	1998	
Columbia Slough	2,3,7,8 TCDD (dioxin)	Fish Tissue: Year Around	Pre-1996	1998	
Columbia Slough	Mercury	Year Around	2006	2019	*Updated to more accurately reflect the current situation*

OTHER REGULATIONS AND LOCAL EFFORTS

Wellhead / Well Field Protection

The 1986 federal Safe Drinking Water Act requires states and local agencies to establish wellhead protection zones to safeguard groundwater for drinking. In Gresham, this area is based on a groundwater model simulation of the 30-year time of travel to ~~the~~municipal production wells ~~of~~owned and operated by Portland, Gresham, and the Rockwood PUD. There are currently two separate areas with similar requirements: the Columbia Southshore ~~Groundwater Resource~~ Wellhead Protection Area~~. This area is~~ and the Cascade wellfield Protection Area. Both areas are subject to Best Management Practices (BMPs) that are aimed at providing appropriate levels of protection for groundwater.

The Gresham City Council, in January 2003, adopted a wellhead protection program for the area in and around ~~Portland's Southshore Wellfields. The program~~the Columbia Southshore Wellfield. In 2013, Gresham City Council expanded the program to cover the Cascade Well Field. The City's Well Field Protection Program includes regulatory standards involving the storage, handling and use of solvents and other toxics that could pollute the groundwater resource. ~~The City's~~ In addition to protecting groundwater in Portland, Gresham and Fairview, the City is discussing expanding the wellhead protection program ~~was the result of a yearlong planning process involving area industries, Gresham, Portland and~~into the Cities of Troutdale and ~~Fairview~~Wood Village. **Underground Injection Control (UIC) Rules** The DEQ administers the federal UIC program in Oregon, pursuant to the federal Safe Drinking Water Act. The UIC program manages injection of fluids into the ground. All stormwater ~~infiltration sumps~~ injection UICs within the City of Gresham ~~are classified as UICs and~~ must be registered and meet regulatory requirements set by DEQ. The City has a Water Pollution Control Facility (WPCF) permit from DEQ that regulates all of the City-owned and operated UICs within Gresham. All new public facilities are required to constructed in a manner than meets DEQ rules, and all private UICs must be registered with DEQ, which requires the owner to obtain a permit and/or meet DEQ's rule authorization. **Endangered Species Act (ESA)** The ESA prohibits the "taking" of a member of any species listed as 'threatened' or 'endangered,' and allows the U.S. Fish and Wildlife Service (USFWS) or National Oceanic Atmospheric Agency (NOAA)-Fisheries to impose some prohibitions for listed species. The ESA defines "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The requirement is important for Gresham because the City's surface waters are either current habitat for threatened species, or are upstream from such habitat. It has been found that negligent loss or degradation of habitat resulting from land development or water quality degradation can be considered a taking. The jurisdiction that permitted or allowed the offending development can be held liable. The ESA requires jurisdictions to look at all the activities that occur under their authority that could harm threatened or endangered species. For Gresham and other cities, this not only includes land use regulations, but also management of floodplains and surface water quality and quantity, and the maintenance and other operations associated with running a city. ~~Metro is working with the region's jurisdictions to develop a regional strategy to protect stream corridors and other natural resources necessary for water quality. An important part of the strategy is to protect wetlands~~	*Updated to more accurately reflect the current situation* *Updated to more accurately reflect the current regulatory environment*

~~and streams, provide adequate streamside buffers and key upland natural resources that contribute to water quality~~ ~~Metro has undertaken an extensive natural resource inventory and analysis of these resources. This effort will be followed by development of land use regulations and standards in conformance with USFWS and NOAA objectives.~~ ~~The idea is that jurisdictions that adopt a water resources protection and land use regulatory plan in compliance with Metro's program, will be safer from legal action. Furthermore, if jurisdictions adopt Metro's program it will allow them to also comply with Statewide Planning Goal 5. The alternative is for jurisdictions to develop their own natural resources inventories and standards. However, any independently adopted program must be found to be in substantial compliance with Metro's own program.~~ The City has integrated ESA considerations into their everyday operations, providing training to Operations and Maintenance staff, engineering staff, and Planning staff on the state and federal protections for ESA-listed species and associated habitat, including streams and wetlands. The City also adopted Metro Title 13 (Nature in the Neighborhood), and through these Title 13 standards, is complying with the habitat protection objectives of Oregon Land Use Planning Goal 5. **Metro Urban Growth Boundary Functional Plan -- Title 3** Gresham has ~~complied~~been in compliance with Metro Functional Plan – Title 3, Water Quality. The City adopted required erosion control and floodplain standards in 2000. In 2002, required ~~w~~Water ~~q~~Quality ~~r~~Resource Area (WQRA) protection standards and maps were adopted. Title 3 requires floodplain regulations to ensure "balanced cut and fill" in floodplains. These provisions ~~are~~were intended to prevent importation of fill into floodplains that would decrease the resource's overall water storage capacity. The City adopted Floodplain Management standards in relation to these Title 3 standards, which also complied with Oregon Land Use Planning Goal 7. ~~The City's Water Quality Resource Area Overlay District map and standards provide for water quality protection by requiring new development to maintain vegetated buffers around streams and wetlands that can filter surface water runoff.~~ **Metro Urban Growth Boundary Functional Plan -- Title 13** Gresham has ~~complied~~been in compliance with Metro Functional Plan – Title 13, "Nature in the Neighborhoods". In 2009, Gresham adopted the safe harbor standards of Metro's Title 13 model ordinance for the annexed areas within the City's Urban Growth Boundary**.**	*Updated to more accurately reflect the current situation* *Updated to more accurately reflect the current regulatory environment*

Locally Enacted Regulations, Standards and Green Practices

~~In 1999 through 2001,~~ Gresham has adopted regulations and standards requiring the provision of surface water management systems and stormwater quality control. These provisions form the basis of the city's current regulations to ensure development does not harm water quality and cause the City to be in non-compliance with DEQ standards. They are applied to all major development in the City. In 2019, Gresham updated the City's Stormwater Management Manual to ensure compliance with the most current DEQ regulations as they pertain to Phase I (over 100,000 in population) jurisdictions that carry National Pollutant Discharge Elimination System (NPDES) permits. The manual reflects the most current Best Management Practices for green stormwater infrastructure proven to be successful in protecting natural stream function and water quality. Gresham updated their Temperature TMDL plan in 2020, building upon 13 years of efforts to prioritize and implement riparian area improvements to protect the stream and wetland adjacent vegetation that moderates diurnal temperature fluctuations, attenuates run-off that can negatively impact stream and wetland structure and function, and enhances infiltration of precipitation thereby improving groundwater recharge and local bank storage.

Updated to more accurately reflect situation

~~In November 2003, it is expected that the City will also adopt the Gresham Water Quality manual. The manual is an important tool to control the quality of stormwater resulting from new development. It will serve as a guide to implement "Best Management Practices for Managing Stormwater."~~

~~An integrated approach to planning for and management of land use, transportation and surface water management can have a profound positive impact on water quality. Gresham and other jurisdictions in the Portland metropolitan region are moving toward a "Green Practices" philosophy of managing water quality.~~

Updated to more accurately reflect the science

The emphasis ~~is to preserve~~continues to be the evolving science behind green infrastructure that can support or mimic the natural hydrologic cycle to the extent possible. This is done by promoting, to the degree practicable, that surface water is treated on the site where it occurs or infiltrated after treatment; providing as much pervious surface as possible; using natural drainage systems such as vegetated swales and ditches, and preserving and restoring natural streams, wetlands and floodplains.

SUMMARY OF MAJOR ISSUES

1. Urbanization and other human activities in and around Gresham have caused ~~the~~substantial loss of naturally permeable surfaces and supporting vegetation across the landscape capable of absorbing and filtering surface water. This included loss of~~e loss of~~ wetlands, floodplain area, natural drainage ways,

Updated to more accurately reflect the current regulatory environment

healthy riparian vegetation, and stream ~~channels~~channel complexity. ~~has also occurred.~~ This has impaired the natural hydrologic system of Gresham's water resources and reduced ~~these~~ the ability of these critical resources' ability to store, cool and filter surface water. 2. Surface and groundwater water pollution from both point and non-point sources negatively affect Gresham's surface and groundwater quality. 3. The potential for groundwater pollution affecting the Troutdale Aquifer that borders the Columbia River is a regional concern. If solvents and other toxic materials used in industrial processes get in the aquifer, the region's access to drinkable water would be compromised. Shallow aquifers in the general area have already been contaminated. 4. Through the Clean Water Act, the federal government requires the states to establish and enforce specific water quality standards. In Oregon the Department of Environmental Quality has this responsibility, with additional oversight by the US Environmental Protection Agency. 5. Gresham is required to manage surface water quality and quantity to address five categories of federal state and regional surface water quality laws and related implementing rules. These include: ▪ National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer Systems ▪ Oregon DEQ Water Quality Standards and Total Maximum Daily Loads (TMDLs) ▪ Well Field / Well Head Protection and Underground Injection Control per the 1986 Federal Safe Drinking Water Act ▪ Endangered Species Act ▪ ~~Title 3 –~~ Metro Regional Functional Plan Titles 3 and 13 ~~6. Metro has taken the lead in developing regulatory maps and standards to create a "safe harbor" for local jurisdictions that must comply with the water quality requirements of the Endangered Species Act. Metro's maps and regulations, once adopted by local jurisdictions, would also allow local jurisdictions to comply with Statewide Planning Goal 5.~~ ~~7. In 1993, the City created the Stormwater Division in the Department of Environmental Services to specifically manage water quality issues.~~ ~~8. Since 2000, Gresham has enacted several new local regulations to address water quality and surface water management. These include:~~ ~~▪ Water Quality Resource Area Overlay District and implementing standards;~~ ~~▪ Erosion Control Standards;~~ ~~▪ Balanced cut and fill provisions as part of the City's Flood Plain Standards;~~	*Updated to more accurately reflect the current situation* *Updated to more accurately reflect the current regulatory environment*

~~▪ Standards to ensure installation of surface water management systems and implementation of stormwater quality controls.~~	
WATER QUALITY **GOALS, POLICIES AND RECOMMENDED ACTION MEASURES**	*Updated to more accurately reflect the current science*
GOAL Prevent surface and ground water pollution and improve water quality.	
POLICIES	
1. The City shall require new development to comply with all land use regulations and other standards necessary to properly manage surface water quality and quantity according to the City's obligation under the Clean Water Act.	
2. The City shall ensure, through coordination with the Oregon Department of Environmental Quality, that existing and future land uses with the potential for water discharges, comply with state and federal water quality standards.	
3. The City shall establish and maintain water quality plans, regulations and standards consistent with federal, state and Metro laws and rules as necessary to protect surface and groundwater quality and quantity.	
4. The City shall protect the water quality, conveyance, storage functions and associated environmental values of streams, wetlands, 100-year floodplains and other natural drainage-ways and water bodies.	
5. The City shall protect, and where practicable, restore water quality and the physical and biological integrity of the area's system of wetlands, rivers and streams and associated ~~environmental values, including~~ natural vegetation buffers ~~and fish and wildlife habitats~~supporting water quality, water quantity, and habitat protections.	*Updated to more accurately reflect the current regulatory environment*
6. Related to surface water management, t~~T~~he City shall encourage and support ~~the~~ water quality protective development strategies ~~development of drainage systems~~ that preserve or ~~duplicate~~ mitigate loss of~~the~~ natural hydrologic ~~cycle~~ functions related to pollutant removal, bank storage, groundwater support, flow attenuation, velocity reduction and sediment reduction. ~~as a means to store, treat and convey surface water run-off.~~	
7. The City shall require that surface water treatment and management of run-off quantities occur on-site for development projects that require development permit approval.	

8. The City's surface water management program shall protect public safety and property and shall be based on long-term practicability and effectiveness. 9. The City shall, prior to approval of an Underground Injection Control (UIC), require documentation of compliance with DEQ groundwater rules. A letter from DEQ approving a UIC rule authorization application constitutes adequate documentation for a UIC. 10. The City shall require that development be a sanitary sewer system per the Gresham Community Development Code and applicable Oregon DEQ rules and standards. 11. The City ~~shall~~continues to implement measures to protect water quality necessary to sustain viable habitat for fish species, particularly those listed by the National Marine Fisheries Service as threatened or endangered. 12. The City ~~shall adopt~~shall enforce all regulations and standards to protect ~~streamside vegetative~~wetlands, waterways, riparian buffers and other natural resource areas that contribute to water quality, groundwater protection, and flood attenuation consistent with Metro ~~Goal 5 and~~ Title 3, and habitat and resource protection consistent with Title 13. ~~requirements. This includes the need to maintain water temperatures required for viable fish habitat~~. **ACTION MEASURES** 1. ~~Adopt~~ Continue to update adopted stormwater standards to promote the use of "best water management practices" to achieve the City's water quality objectives. 2. Maintain and when necessary update wellhead / well field protection measures to prevent contamination of groundwater including that which sustains the existing Southshore wellfield. 3. Periodically review and update the City's water quality related plans, policies, regulations and standards to ensure consistency with federal, state and regional requirements. 4. Work with agricultural interests, Multnomah and Clackamas Counties, the Oregon Department of Agriculture, watershed advocacy groups and others to improve water quality and reduce agricultural runoff in Gresham. 5. Work with other jurisdictions, agencies and advocacy groups to address water quality issues that have inter-jurisdictional impacts.	*Updated to more accurately reflect the current science*

6. Educate the public about the need to protect water quality and provide opportunities for citizens to be involved in restoration and enhancement projects involving area streams, wetlands and rivers. 7. Plan and implement programs to protect and restore the water quality functions of wetlands, stream corridors and other riparian areas such as: a. Acquisition of property and conservation easements; b. Stream restoration and wildlife habitat enhancement projects; c. Erosion control/prevention including protection of hillsides stream banks from actions that cause hydromodification, erosion, and landslides; ~~and~~ d. ~~Re-ve~~getationRestoration of stream and wetland ~~areas~~buffers; and ~~protection~~ e. Provision of ~~appropriate existing vegetation~~wetland and stream mitigation options within the affected watersheds that Gresham is working to protect. 8. Maintain an accurate inventory of stream corridors and their respective environmental conditions as a basis from which to restore their contribution to water quality. 9. Ensure all City operations and public improvement projects are conducted in ways to protect water quality consistent with all applicable regulations. 10. Encourage the use of green practices and use of green building methods and other emerging and innovative water quality technologies to improve water quality in Gresham.	
SUMMARY OF FINDINGS Temperature has been identified by the DEQ as a parameter of concern for ~~the Columbia Slough~~all streams within Gresham's Urban Service Boundary, and ~~Johnson Creek,~~ developed Water Quality Improvement Plans to be implemented by Gresham and studiesother Designated Management Agencies. DEQ is currently updating the Temperature TMDL elements of ~~Johnson Creek in 1992 indicated conditions at or above critical temperatures~~the Water Quality Improvement Plans for ~~growth~~the Sandy River and ~~spawning of salmonids. Increasing imperviousness as a result of urbanization, as well as the removal of streamside vegetation~~the Lower Willamette and the ~~overhanging tree canopy along Gresham creeks has the potential for raising current water temperatures which in turn destroy fish habitats (see Section 2.450, Volume 1 - Findings document).~~tributaries to those rivers. **POLICY**	*Updated to more accurately reflect the current regulatory environment*

IT IS THE CITY'S POLICY TO MINIMIZE THE REMOVAL OF STREAMSIDE VEGETATION WHICH WOULD ADVERSELY IMPACT STREAM TEMPERATURES. **IMPLEMENTATION STRATEGIES** 1. ~~The Community Development Plan will limit and discourage the removal of vegetation and trees along city streams through appropriate flood plain land use designations such as open space, greenways, parkland, and recreation trails.~~ ~~2. The city shall seek a response or assistance from the Department of Environmental Quality or other interested agencies when reviewing future land uses or activities which have the potential to raise water temperatures of Gresham's streams.~~ ~~3. The city shall ensure that future thermal pollution discharges conform to all State and Federal thermal discharge standards.~~ 1. The Community Development Plan and related Gresham Community Development Code implements multiple protections of sensitive resources, including streams, wetlands, floodplains, and the critical land and vegetation adjacent to those resources that helps protect the ecological functions of a healthy riparian area. Gresham's Environmental Overlays (Natural Resources Overlay, Floodplain Overlay, and Hillside and Geologic Risk Overlay) include limits to encroachment into sensitive areas, protection of high value resources such as the areas closest to streams and wetlands, veteran trees, and floodways. 2. The City is implementing, and in compliance with, state (DEQ) and federally (EPA) current Water Quality Improvement Plans for shading area streams. These Temperature TMDL efforts have been in place since 2007, with annual reporting to DEQ on progress in increasing riparian tree cover to increase stream shade and moderate diurnal summer temperature fluctuations in area waterways. As DEQ periodically updates the regulating documents, Gresham will update their Temperature TMDL Implementation Plan to remain in full compliance. 3. Gresham Community Development Code will continue to be updated in consideration of the most current federal water quality regulations, as implemented by US Environmental Protection Agency and Oregon Department of Water Quality to ensure implementation of those measures that protect water	*Updated to more accurately reflect the current regulatory environment and scientific best practice*

quality—including maximizing bank storage, groundwater recharge, attenuation of erosive stream flow, minimization of hydromodification and slope failure, moderation of diurnal temperature fluctuations adjacent to wetlands and waterways, and capture of sediments and pollutant sources—are informed by current regulatory obligations under the Clean Water Act. ***	

Section 17. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.330 Public Facilities and Services is amended as follows:

Proposed Text Amendment	***Commentary***
*** **10.333 Stormwater Management System** **BACKGROUND** *** Stormwater Challenges *** Metro Urban Growth Boundary Functional Plan – Title 3: As a part of the Metro Urban Growth Management Functional Plan, Metro code 3.07.310-3.07.370, Title 3 requires Portland area jurisdictions to adopt ~~the~~ Water Quality Resource ~~Area~~ and Flood Management Performance Standards. The water quality standards are intended to provide vegetated buffers around streams and wetlands in order to protect them from urban development. The floodplain standards essentially require "balanced cut and fill." To comply with these requirements, Gresham has adopted the ~~Water Quality Resource Area (WQRA)~~Natural Resource Overlay and amended its Floodplain Overlay District in the Community Development Code. ***	*Updated to reflect the overlay changes*

Section 18. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.400 The Social Environment is amended as follows:

Proposed Text Amendment	***Commentary***
*** **10.412 City of Gresham Parks, Recreation, Open Spaces and Trails Background**	

*** **SPECIAL COMMUNITY RECREATION INITIATIVES** *** **Trails** In 1996 the City completed the Gresham Trails Master Plan. The Trails Master Plan is a blueprint for an interconnected network of trails to link together neighborhoods, parks, open space and downtown Gresham. In 2009 the City updated that document to a Parks and Recreation, Trails and Natural Areas Master Plan. Appendix J of the Master Plan (adopted in 2015) refined the plan. ~~The Parks Master Plan recommends an additional nine miles of multi-use trails and 18 miles of hiking trails in the City. It lays out a citywide trail system as part of a larger and interconnected regional trail network. For example, trails in Gresham are planned to connect Gresham to the Columbia River regional parks and the region's "40-Mile Loop" trail system.~~ Gresham has a total of 32.4 miles of paths and trails and Appendix J shows a further 32.4 miles of planned paths and trails. The backbone of Gresham's existing trail system ~~is a 4.5 mile section of the 22 mile long~~are the Springwater Trail ~~Corridor (STC)~~ and the Gresham-Fairview Trail multiuse paths. ~~Many of the trails recommended by the 1996 Gresham Trails Master Plan are proposed to tie into the STC to provide linkages and loop connections within the Gresham community and also with the surrounding regional trail systems. The Springwater Trail Corridor is also part of the 40 Mile Loop.~~ ~~The Springwater Trail is also an integral element of the region-wide Metropolitan Greenspaces Program.~~ Much of the Springwater Trail runs adjacent to ~~the~~ Johnson Creek ~~Natural Resource Area.~~ and the Gresham-Fairview Trail generally runs along Fairview Creek. There are also multuse paths along 1-84 and a portion of the MAX line. The trail system includes soft surface trails and multi-use paths. ~~Other Gresham segments of the 40-mile Loop include the eastern loop that runs north to the City of Troutdale and a portion of the Columbia River Trail along Marine Drive. These trail segments also connect residents with other nearby regional trails, including those in the Columbia River Gorge National Scenic Area; the Sandy River Gorge Trail; the Pacific Crest Trail; the Chinook Trail and the Mt. Hood National Forest Trail System.~~ ~~In 2003 the City is engaged in planning and design for a major addition to its trail system. The Gresham/Fairview Trail will be a 10 – 14 foot wide multi-use path approximately 5.2 miles in length. Much of the trail will be within the Fairview Creek Greenway. When complete, it will be a major north/south connector~~	*Updated to reflect adopted documents* *Updated to reflect current situation* *Updated to reflect current situation*

~~between the Springwater Trail Corridor, the 40-Mile Loop at Marine Drive and Blue Lake Regional Park. The Gresham 2003 – 08 Five-Year Capital Improvement Program budgeted funds from a combination of City and Federal sources to complete a major segment of the Gresham/Fairview trail from Burnside to Halsey in the next few years.~~ An interconnected trail system is ~~also important because it provides~~vital to providing alternative transportation options. A well-developed multi-use path and trail system can reduce reliance on the automobile as a primary transportation mode. As such, Gresham adopted an Active Transportation Plan in 2018 incorporating a plan for pedestrian and bicycle infrastructure including trails. ~~The following table lists the location of trail improvements identified in the 1996 Gresham Trails Master Plan. Maps of the proposed projects and more detailed descriptions can be found in the Master Plan.~~ ~~**1996 Gresham Trails Master Plan - Recommended Future Trail Improvements**~~ ***	*Updated to reflect recently adopted documents*
10.413.1 Design Standards for Single-Family Attached Dwellings *** **DESIGN PRINCIPLES** *** **3. Shared Open Space Standards for Complexes** a. Provide useable common open space to create accessible and safe on-site opportunities for passive and active recreation for all ages. b. Incorporate attractive landscaping and site amenities throughout the development site to enhance development quality and livability. c. Enhance opportunities for social interaction by providing opportunities for group gatherings and social recreation. d. Create open space areas and landscaping to soften the urban environment, provide shade, buffering and screening and create pleasant places to rest and recreate. e. Single family attached dwellings that are adjacent to public parks and open space areas may be planned to incorporate the use of and access to these public amenities into their design. f. For single family attached dwelling developments adjacent to public parks or public open space (i.e. school yards, public trails), where the adjacent streetscape will not be negatively impacted (i.e. units with their side or backs to the street), units may be oriented toward the park or open space to allow views from residential units and to promote informal surveillance of the open space. This should not be permitted if the backs or sides of units would face the street.	

~~g. Common Open Space Requirements should not be waived for protection of Water Quality Resource Areas or other Natural Areas. However, a reasonable amount of density may be transferred to the buildable portion of the project.~~ ***	*Updated to reflect current situation*

Section 19. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.700 Pleasant Valley Plan District is amended as follows:

Proposed Text Amendment	***Commentary***
*** **10.701 Urbanization Strategy and Land Use Planning** **BACKGROUND** *** *Key features of the Concept Plan are:* • A mixed-use town center as the focus of retail, civic and related uses. • A new elementary school and middle school located adjacent to 162nd Avenue. • The location of major roads away from important historic resources and "park blocks" that connect the town center to the historic central section of Foster Road. • A framework for protection, restoration and enhancement of the area's streams, floodplains, wetlands, riparian areas and major tree groves through the designation of ~~461~~ 251acres of the valley as ~~"environmentally sensitive and restoration areas" (ESRAs)~~ Natural Resource Overlay. ~~• Designation of a "neighborhood transition design area" adjacent to the ESRA so that neighborhood development is compatible with adjacent green corridors.~~ ***	*This number was for the entire Pleasant Valley planning area, not just that portion in Gresham's jurisdiction.*
10.703 Residential Land Use/Neighborhoods **BACKGROUND** *** ***Provide housing choices**. A variety of housing choices will be provided, with a focus on home ownership options. Housing options will accommodate a variety of demographic and income needs, including appropriate*	

affordable choices and housing for seniors. The plan will provide for an overall average residential density of 10 dwelling units per net residential acre (i.e., including only residential land), based on a mix of densities. Walkable neighborhoods will form the organizing structure for residential land use. Natural features will help define neighborhood form and character. Following an extensive evaluation and refinement process, the Steering Committee, at their final meeting on May 14, 2002, endorsed the Pleasant Valley Concept Plan Map and Implementing Strategies. In summary, the Concept Plan addressed housing and neighborhoods with the following characteristics: • Each of the eight Pleasant Valley neighborhoods is intended to include a variety of housing options. • Overall housing density is 10 dwelling units per net residential acre, with 50 percent of the proposed housing as detached and 50 percent attached. • Detached housing choices include small lots (3,000-5,000 square feet), medium lots (5,000-7,000 square feet) and large lots (7,500 square feet and greater). • Attached housing choices include townhomes, apartments, condominiums and senior housing. • Pleasant Valley's neighborhoods will have a walkable character with defined centers and edges. Neighborhood dimensions will be a comfortable walking distance of 1/4 to 1/2 mile (5- to 10-minute walk). • Neighborhoods will be designed to increase transportation options. Neighborhoods will be bike and walking-friendly, especially so that children can travel safely. Neighborhoods along the community's transit streets will be designed with transit in mind. • Neighborhoods will be designed to incorporate the existing natural features, ~~connect to the~~be aligned with ~~ESRA~~stream corridors, Natural Resource and Hillside and Geologic Resource Overlays and support "green" stormwater management practices. • Neighborhoods have a neighborhood park. • Zoning will allow and encourage home-based employment. The neighborhood concept described above is an essential part of the vision for Pleasant Valley. The development of individual properties is intended to fit together into complete, cohesive neighborhoods. **SUMMARY OF MAJOR ISSUES** ***	*Updated to reflect the new overlays*

• ***Neighborhoods should increase transportation options***. Neighborhoods should be bike and walking friendly, especially so that children can travel safely. Neighborhoods should be designed with transit in mind. A transit stop(s) should be located within walking distance of mixed-use neighborhoods. A compact, mixed-use neighborhood with transit options is one strategy for preserving the open space/natural resource areas associated with the ~~Environmentally Sensitive and Restoration Areas~~Natural Resource and Hillside and Geologic Risk Overlays. *** **10.704 Employment and Other Commercial** *** **SUMMARY OF MAJOR ISSUES** *** ***Locational Attributes***. Locational attributes include access to major roads (arterial system), transit service, strong relation to the ~~Environmentally Sensitive and Restoration Areas~~Natural Resource Overlay, convenient access to the commercial centers and site(s) sizes of 10-50 acres. *** **10.705 Natural Resources** **BACKGROUND** *** ***Preserve, Enhance, and Restore Natural Resources***. *The plan will identify, protect, enhance, and restore significant natural resource areas, including stream corridors, forested areas and buttes. These resource areas will provide the basis for identifying buildable and non-buildable areas, and serve as open space amenities for the community. Resource protection will include strategies to protect endangered species, water quality and the aquifer. Resource protection and enhancement will be a shared responsibility of property owners, governments, and developers.* The work of the Natural Resource/Watersheds work team used this goal as a basis for developing the Environmentally Sensitive/Restoration Areas (later updated to Natural Resource Overlay~~ESRA~~). After a thorough inventory of resources in the study area, the work team presented their findings through a series of inventory maps at a Community Forum. Local residents made additions and corrections to the maps, which formed the basis for the ESRA (now NRO) areas. One of the unique aspects of the Concept Plan was the	*Updated to reflect the new overlays* *Updated to reflect the new overlays* *Updated to reflect the new overlays*

identification of the green infrastructure (ESRA/NRO) prior to the creation of the street network and locating land uses, such as the town center. A tool used for addressing water quality issues, habitat protection issues, and natural hazards mitigation was to divide the Kelley Creek watershed into seven subwatersheds for analysis purposes. Extensive documentation of the scientific basis for resource protection was prepared as part of the subwatershed planning process. Each of the four alternatives created during the 5-day design charrette included the ESRA (now NRO) as part of the base map. As a result, the work team evaluated each alternative using criteria that evaluated the number of stream crossings, amount of tree cover, etc. The alternatives that kept major roads and the town center away from the confluence of the creeks in the center of the study area were rated the highest. Following an extensive evaluation and refinement process, the Steering Committee, at their final meeting on May 14, 2002, endorsed the Pleasant Valley Concept Plan Map and Implementing Strategies. In summary, the Pleasant Valley Concept Plan ESRA ~~is~~ was the green framework for the Pleasant Valley Plan. It constitutes the resource management areas with important ecological functions planned for integration with a new urban community. The long-term goal is to allow for ~~restore~~ restoration and enhancement of sensitive wetlands and stream corridors to more natural vegetation conditions, recognizing that existing homes and other uses will continue in the ESRA (now NRO). *Selected characteristics of the ~~ESRA~~ NRO include*: • Wetlands, upland, and riparian habitats that incorporate 34 habitat types. Wetlands range from open water to forested wetlands. Upland habitat ranges from deciduous and conifer forests to shrubs and habitats of mixed species. • Habitat migration routes. • Buffers adjacent to the resources range from 50 to 200 feet, depending on the type of resource. • The implementation strategies included rough cost estimates, funding strategies, regulatory and incentive options, and restoration priorities. **SUMMARY OF MAJOR ISSUES** *** **State Goal 5 Natural Resources**. In order to protect natural resource values, Statewide Planning Goal 5 and its administrative rule require that jurisdictions complete a natural resource inventory, a determination of	*Updated to reflect the new overlays* *Updated to reflect the current situation*

resource significance, an analysis of the consequences of resource protection, and develop resource protection standards. This work is one of the three central elements in the effort to create an urban community through the integration of land use, transportation, and natural resources. The inventory is largely based on information collected during the Concept Planning phase. The purpose of the inventory is to document the quantity and quality of the characteristic vegetation, wildlife habitat, streamside areas, sensitive species, and other natural features in the Pleasant Valley study area. The inventory is then used to determine which resources are significant. A set of mapping criteria was developed and a computer mapping exercise was used to assist in the process. The following nine different basic functions were used to provide the foundation for the significance determination. • Water quality • Channel dynamics and morphology • Water quantity – stream flow, sources, and storage • Microclimate • Fish and aquatic habitat • Organic inputs • Riparian and upland wildlife habitat • Upland sensitive species • Upland interior habitat The Goal 5 process then requires an analysis describing the different types of land uses that impact streamside areas, wetlands, and upland forest. Specifically, it requires an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit certain uses in the significant resource areas (NRO~~ESRA~~). The final step in a Goal 5 process is the development of a program to implement the outcome of the inventory, significance determination and the ESEE analysis. Programs include both regulatory and non-regulatory elements. *** **POLICIES** ***	*Updated to reflect the new overlays*

3. Road crossings within the ~~Environmentally Sensitive/Restoration Areas (ESRA)~~ Natural Resource Overlay (NRO) will be designed to provide crossings with the least impact. *** 12. As a near-term objective, downgrade the function of Foster and Richey Roads in the confluence area of Kelley Creek to serve as local access streets. ~~As a long-term objective, disconnect and vacate the vehicular function of these street segments while maintaining the opportunity for a local trail opportunity.~~ *** 15. Landslide prone slopes shall be protected. **ACTION MEASURES** 1. The Pleasant Valley Resource Management Map will serve as the basis for identifying areas to preserve, restore and enhance. 2. Require abandoned water wells to be decommissioned following Oregon Department of Water Resources accepted procedures to avoid groundwater contamination. 3. Establish a Greenway along Kelly Creek and its tributaries as the valley urbanizes. Greenways provide for public access and create a focal point for the community in the form of trails and open space along Kelley Creek and its tributaries. 4. Develop interim regulations for the sections of Foster and Richey Roads within the ESRA detailing how improvements are allowed, if at all, to minimize impervious surface~~,~~ and manage stormwater.~~, and not preclude future removal~~. 5. The participating cities, area neighborhood associations, and the Johnson Creek Watershed Council are encouraged to support revegetation efforts, work to restore fish and wildlife habitat in the study area, and pursue funding sources outlined below to achieve the goals of the Pleasant Valley Concept Plan. 6. Complete and adopt a state goal 5 natural resources process including an ESEE analysis and implementing program. 7. Extend the Hillside and Geologic Risk Overlay map to the Pleasant Valley Community Plan area	*Updated to reflect the new overlays* *Updated to reflect the recent Pleasant Valley Transportation System Plan updates* *Incorporating the required landslide/hillside protections* *Updated to reflect the recent Pleasant Valley Transportation System Plan updates* *Incorporating the required landslide/hillside protections*
10.706 Green Development **BACKGROUND** *** Use "green" development practices. The plan will incorporate community design and infrastructure plans that produce ~~minimal~~ reduced impacts on the environment, including flooding and water quality within Johnson	

Creek. The plan will incorporate guidelines for stormwater quality and quantity and resource management for across each subwatershed, and also will enhance natural hydrologic systems as a fundamental part of managing drainage and water quality. The plan will incorporate green street designs, which require greater planter strip widths than outside of the Pleasant Valley and Springwater plan areas. The plan will integrate green infrastructure with land use design and natural resource protection. ~~The plan will incorporate energy-savings measures.~~	*Updated to reflect current best practices*
As part of the evaluation and concept plan ~~selection~~ update process a hydrodynamic model (~~MIKE 11~~XP-SWMM) was developed, calibrated and run for the Kelley Creek watershed. The purpose of the hydrological modeling was to simulate the impacts that different land use changes and green development practices would have on the water level, flow and extent of flooding through the Kelley Creek system. Different scenarios were developed with variables of the ~~Environmentally Sensitive and Restoration~~Resource Overlay ~~Area (ESRA)~~ (NRO); green development practices such as ~~bioswales~~ raingardens in green streets; ~~landscape planters and ecoroofs~~impervious pavement reductions; and creating ~~a tree canopy throughout the plan area~~localized stormwater treatment ponds.	*Updated to reflect current technology and best practices*
~~Following an extensive evaluation and refinement process~~Building on the May 14 2002, ~~the~~ Steering Committee~~, at their final meeting on May 14, 2002,~~ endorsed~~, the~~ Pleasant Valley Concept Plan Map and Implementing Strategies~~,In summary,~~ the updated concept ~~plan~~ provides for a "green" stormwater management system intended to capture and filter stormwater close to the source through ~~extensive tree planting~~NRO protection throughout the valley, "green" street designs, ~~swale conveyance and filtration of run-off,~~ and strategically placed stormwater management facilities. **SUMMARY OF MAJOR ISSUES** *** ***Kelley Creek Watershed Stormwater Modeling Conclusions:*** • A full tree canopy is highly desirable. However, trees may take at least 20 years to grow to maturity and until they are at maturity will not realize the full benefits of stormwater management. Other stormwater management practices are, therefore, necessary. • Considering the benefits shown in the model of tree canopy on stormwater management, there should be a long-term goal of vigorous tree planting throughout the valley. Additional tree canopy will help to	*Updated to reflect current best practices*

mitigate the potential loss of green development practices due to improper maintenance or inaccuracies in facility sizing or modeling. • To protect stream habitat, green development practices must be sized ~~larger~~ and located ~~to more~~ adequately to mitigate runoff from larger storms. Facility sizing ~~should be left to the next planning stage when stormwater management plans are written~~ is addressed in the Stormwater Management Manual (SWMM) adopted in 2019. • The use of green development practices ~~may~~ decreases the size of stormwater management facilities needed to be built to prevent ~~nuisance~~ flooding downstream. However, green development practices will not completely manage larger storms and therefore they will be conveyed from green facilities ~~through swales and~~ into ~~regional~~ local stormwater facilities, such as ponds designed and built for the purpose of managing stormwater runoff. • The ~~Environmentally Sensitive and Restoration Areas (ESRAs)~~ Natural Resource Overlay helps to reduce flood peaks for ~~the nuisance, 5-year and 2 ½-year~~ storms events. ~~Initial modeling~~ Modeling shows that the vast majority of the 100-year event footprint stays well within the ~~ESRA~~ NRO with the implication that the ~~ESRA~~ NRO is a flood management tool so that ~~regional~~ local stormwater facilities don't need be sized to manage the 100-year flood, providing a significant cost savings. • Maintenance of green development practices should be addressed as part of the implementation plan for stormwater management. Improper maintenance and enforcement may lead to failure of the stormwater system. • Modeling greatly facilitates and provides information critical to the decision making process. Results tend to be accurate from a relative standpoint when comparing alternative scenarios. However, model representations and results should only be one item among others that influence decisions and project design/implementation. *** **POLICIES** 1. Encourage the planting, maintenance and preservation of trees throughout the watershed. 2. Transportation plans will use Green Street designs in the development and design of streets. 3. Community design and infrastructure plans will produce minimal impacts on the environment, including flooding and water quality in Johnson Creek. 4. Infrastructure plans will avoid placement of utilities in the ~~Environmentally Sensitive and Restoration Areas~~ Natural Resource Overlay where practicable. 5. Community design and infrastructure plans will enhance the natural hydrologic system as a fundamental part of managing stormwater and water quality.	*Updated to reflect current documents and best practices* *Updated to reflect current best practices* *Updated to reflect current modeling and best practices*

6. ~~Community design and infrastructure plans will incorporate energy-saving measures.~~ ~~7.~~ Community design, infrastructure, and natural resource protection plans will incorporate guidelines for resource management ~~by subwatershed~~ consistently across all watersheds, including stormwater quality and quantity. ***	*Updated to reflect current overlays and best practices*
10.707 Cultural and Natural History *** **ACTION MEASURES** 1. Identify and use historic place names for streets, places and neighborhoods. To the extent practical this should occur during the next implementation plan phase. The names identified in the evaluation report shall be a starting point. The City of Gresham Historic Resources Advisory Committee, the Gresham Historical Society and others should be engaged in determining additional names. 2. Review existing regulations regarding historic landmarks and prepare new ones as needed for Pleasant Valley. Property owners and developers should be engaged in this process before development occurs. The City of Gresham Historic Resources Advisory Committee, the Gresham Historical Society and others should also be engaged. 3. Continue to document the history of the valley and identify historic landmarks. The historic landmarks identified in the evaluation report shall be a starting point. The City of Gresham Historic Resources Advisory Committee, the Gresham Historical Society and others should be engaged in this process. 4. Cultural and natural history will be an element for consideration in future determination of how Foster and Richey Roads function in the ~~Environmentally Sensitive and Restoration Areas~~Natural Resource Overlay. Historical homes and farm buildings naturally relate to the rural roads on which they front. 5. Integrate a cultural and historical resources plan with parks and trails master plans including a potential historical trail.	*Updated to reflect current overlay*
10.709 Transportation **BACKGROUND** ***	

Key features of the Transportation element of the Concept Plan are: *** • Provide a logical and connected street system that connects directly to community destinations while also avoiding the NRO~~ESRA~~ where possible. Plan for a local street system that complements the arterial and collector street system, and meets regional connectivity requirements. *** **ACTION MEASURES** *** 2. Establish street design standards that respect the characteristics of the surrounding land uses, natural features, and other community amenities. All streets will be designed to support adjacent land uses, accommodate pedestrians and bicyclists and include green streets design elements that help minimize stormwater runoff. Design will be based on the Pleasant Valley Street Designs adopted in the Pleasant Valley Concept Plan Implementation Strategies. In developing street designs utilize Metro publications *Creating Livable Streets, Green Streets: Innovative Solutions for Stormwater and Stream Crossings* and *Trees for Green Streets*. The plan district street design standards will provide for: a. Planting and preservation of trees in the street right-of-ways b. Continuous sidewalks along both sides of all arterial, collector, and local streets. Sidewalks should connect to side streets and adjacent sidewalks and buildings. Pervious sidewalk treatments should be considered. c. Landscaped buffer separating travel lanes from sidewalks d. Direct and logical pedestrian crossings at transit stops and marked crossings at major transit stops. e. Short and direct public right-of-way routes to connect residential uses with nearby commercial services, schools, parks and other neighborhood facilities. f. Street design elements that discourage traffic infiltration and excessive speeds on local streets, such as curb extensions, on-street parking, and wider sidewalks and narrowed travel lanes. g. Secure bicycle storage facilities such as bicycle racks and other park and lock accommodations at major destination points including the town center, transit center, recreation areas and office, commercial and employment centers. h. Minimize impervious area and utilize the natural drainage system where practical. i. Designing bridges to serve as civic gateways or focal points in the community. Establishing guidelines to help determine most appropriate stream crossing solution for each individual crossing. j. Locating road and multi-use path stream crossing alignments to have the lowest level of impact on a stream or ~~ESRA~~NRO. Locational considerations shall include crossings perpendicular to the	*Updated to reflect current overlay*

stream and along narrow stream segments. Trail crossings shall consider the needs of equestrians, where appropriate, and pedestrian and bicycle travel. *** 4. Realign 172nd Avenue as it passes through Kelley Creek NRO~~ESRA~~ to not follow creek and reduce impact area by keeping it as far west of confluence as practical and minimizing the bridge footprint in the creek and adjacent riparian area. ***	*Updated to reflect current overlays*

Section 20. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.720 Public Facilities (PVPD) is amended as follows:

Proposed Text Amendment	***Commentary***
*** **10.723 Stormwater Management System** SYSTEM DESCRIPTION/CONDITION ASSESSMENT *** **Planned Improvements.** Urban development has historically had a dramatic adverse impact on watershed health, especially in riparian areas. The recommended stormwater system for Pleasant Valley is intended to minimize this impact and maintain or restore watershed functionality using the goals and recommendations of the Natural Resources/Watersheds Implementation and Green Practices Reports. While urbanization is not anticipated to restore the health of the watershed to pre-development conditions, it may actually improve on current conditions and restore parts of the watershed. In Pleasant Valley, the envisioned stormwater drainage system will serve an important role as the framework for the community's design. ~~Rather than a conventional approach, which uses storm sewer pipes beneath the street to quickly convey storm runoff to stream channels that are also managed for stormwater conveyance, a more natural system is recommended.~~ In the public right-of-way, adjacent to the area roads, ~~vegetated swales~~raingardens are proposed to ~~convey~~ treat and detain stormwater. ~~The swales will convey runoff more slowly than a pipe system and provide water quality treatment.~~ These systems cost ~~less~~ more to build than ~~an~~	*Updated to reflect current technology and best practices*

~~underground pipe~~conventional systems~~,~~ but are ~~more expensive~~critical to maintain water quality and to diminish peak flows.	
The ~~swale~~ raingarden system will discharge to ~~regional~~ local stormwater management facilities that serve two functions. First, the~~y~~ raingardens will slow down the stormwater flow and let vegetation in the facility improve water quality by "polishing" the runoff to removing excessive sediment and pollutants. Second, in combination with local stormwater management facilities, they will regulate the rate and volume of stormwater discharge to the natural stream channels in ~~the Environmentally Sensitive Restoration Areas (~~"ESRA"~~)~~ Natural Resource Overlay areas to a level that is no greater than the discharge rate and duration of pre-development conditions to the maximum extent practicable.	*Updated to reflect current technology and best practices*
Because ~~Acquiring~~ siting and acquiring sites for regional stormwater management facilities is ~~a high priority in the early years as development takes hold in Pleasant Valley~~impractical, and because it is beneficial to treat stormwater closer to where it falls by using local stormwater facilities, those facilities can be developed, in accordance with these principals, as development occurs. ~~A map showing the approximate location of the proposed stormwater system improvements is included in Appendix A. The final location of facilities is subject to the outcome of the stormwater master plan.~~	*Updated to reflect current situations and best practices*
Finally, within the NRO~~ESRAs~~, restoration efforts would be encouraged to improve riparian character and function. This would provide multiple benefits, such as improvements in water quality and fish and wildlife habitat, as well as providing greenway belts throughout the urban landscape. The expected Total Maximum Daily Load limitations for temperature in the Johnson Creek basin may enable the use of "water quality credits" in the upper part of the watershed to offset development impacts elsewhere in the watershed, which could provide private financing for environmental restoration in the NRO~~ESRAs~~.	*Updated to reflect new overlays*
***	
SUMMARY OF FUTURE NEEDS Stormwater facilities planning ~~needs to be~~is currently being refined for Pleasant Valley in a master plan update anticipated to be adopted in 2021. That master plan will more precisely ~~identifies~~ identify the system design, facility locations, and cost and schedule. The master plan ~~needs to be~~will carefully ~~coordinated with~~integrate the "green street" transportation system improvements. In addition to facility needs and design goals, the plan	*Updated to reflect current situation*

will also establish a financing framework for stormwater management in Pleasant Valley. ~~The City of Portland will participate in this planning process because it will be implementing parts of the plan.~~ This planning work is a critical path element for PFP implementation. Coordination is needed between Gresham, Portland, Multnomah County and Clackamas County regarding stormwater system planning and design guidelines for public roads and stormwater conveyance in Areas A, B, and C. A consistent approach regarding stormwater conveyance standards, development setbacks, allowed uses in the ~~ESRAs~~NRO, and other issues related to stormwater management should be spelled out in an intergovernmental agreements if possible. Ideally Gresham and Portland ~~need to~~should develop and adopt uniform stormwater management guidelines for residential, commercial, and industrial development in Pleasant Valley as part of the plan district for the area. Portland and Gresham may both wish to extend the district boundaries to encompass areas that are within the Kelley/Mitchell Creek watershed but outside the Pleasant Valley study area boundary. If a city-wide SDC is preferred (rather than Pleasant Valley-specific SDC), ~~Portland and~~ Gresham will need to modify their SDC improvement fees for stormwater facilities depending on the marginal cost associated with serving Pleasant Valley. Each jurisdiction also will need to modify their SDC improvement fee project list to make near-term priority improvements eligible for financing with SDC revenue. If a city-wide stormwater utility is preferred (rather than Pleasant Valley-specific rates), Gresham ~~and Portland~~ will need to modify their stormwater utility system to address the added maintenance cost associated with system improvements in Pleasant Valley. An analysis is needed of impacts on existing utility rates, how to phase in rate increases, and how to fairly assess rate adjustments. ~~Both jurisdictions~~Gresham may wish to consider combining stormwater management fees with a street maintenance fee, if available. ~~Purchase property for regional stormwater management facilities as soon as possible (after completing the Stormwater Master Plan).~~ ***	*Updated to reflect current new overlays* No longer required
10.724 Parks and Recreation System ***	

SUMMARY OF MAJOR ISSUES *** ~~Environmentally Sensitive Areas~~Natural Resource Overlay (NRO). Caution should be used in locating improved park space or schools next to natural resource areas. Landscaping requirements (fertilizers, etc.) may conflict with natural resources. Field turf and hardscape areas can result in impervious surfaces that may conflict with natural resources. Spreading out parks in neighborhoods away from natural resources can relieve pressures (such as walking the dog) that otherwise might impact natural resources. Because neighborhood parks generally serve different recreational needs than natural areas, the primary consideration for location should be access to the residents it is intended to serve. Often this coincides with the location of schools. Natural areas next to schools can provide important education benefits. Location should ensure that there is a buffer between areas of high activity and natural areas. Open space. The ~~environmentally sensitive~~ Resource areas (RAs) do not necessarily provide recreation functions. In some cases, human access should be very limited or prohibited to protect natural resource values. ~~Environmentally Sensitive/Restoration Areas (ESRA)~~ RAs should be evaluated for their capacity to support passive recreation use in order to determine whether or not additional open space land is needed to meet projected demands. Given the importance of ~~ES~~RAs and the fact that it will be a visible identifying feature of the new urban center, it makes sense to locate any additional space adjacent to it. It will be important to identify connected and integrated open space systems within the Kelley Creek~~/Mitchell~~ Creek system. *** ~~SUMMARY OF FUTURE CIP NEEDS~~CAPITAL IMPROVEMENTS *** The generalized location of the parks and trailsare shown on Figure 1 of the Pleasant Valley Plan District Plan. SThe portion is Gresham's urban service boundary includes:: ~~The Plan Map identifies nine~~8 Neighborhood Parks (~~27.62~~20 acres)~~, one~~ • 1 Community Park (~~29.60~~25.5 acres) • 3.4 miles of off-road trails	*Updated to reflect new overlays* *Updated to reflect new overlays* *Mitchell Creek is not in the portion of Pleasant Valley that will be Gresham's jurisdiction.* *The generalized location and type of the parks is shown on the overall plan.* *The exact projects have been deleted to allow for better flexibility in locating the parks. As the code does not require the parks be built or land be*

• Bridges and protected street crossings ~~and~~ • ~~441.3~~ 251 acres of ~~ESRA, or Environmentally Sensitive Restoration~~Resource Areas are planned for Gresham's Pleasant Valley. ~~Of the nine Neighborhood Parks, six are proposed to be located in Gresham, one will be situated in Portland and the remaining two will be in Clackamas County. The 29.6-acre Community Park will be sited completely in Gresham. Acreages of the Neighborhood Parks and ESRA parcels cross all areas of governance and have been broken down into the following designations:~~ ~~Neighborhood Parks and ESRA Parcels Acreage Table~~ ~~City of Gresham's Parks and Open Space Standards Table~~Neighborhood Parks ~~The Plan District Map illustrates future park properties from A to I and O. Neighborhood parks are intended to serve each residential neighborhood.~~ It is recognized that all acreage, site locations and shapes are considered "floaters" as specific parcels may not be for sale, or purchase costs may prohibit acquisition. The parks master plan, capital improvement plan, and parks system development charge project list should be reviewed annually and updated as needed to ensure that these parks and trail project locations and costs are kept current as properties develop. ~~Sites have been identified as follows:~~ ~~Park Site A (2.93 acres) North of Sager Road and west of 172nd Avenue - This park site is the most urban of the neighborhood park system, serving both adjacent residential and commercial components. It should also serve as a visual terminus to the north end of the new pedestrian trail connector over Kelly Creek.~~ ~~Park Site B (2.87 acres) Nursery Neighborhood between Geise and Richey Roads – Park should be located in the central area of this neighborhood. It is hoped that park edges will connect with two fingers of adjourning ESRA properties.~~ ~~Park Site C (3.76 acres) An east/west orientation of the park is desired so that it provides a view corridor from the neighborhood. Location as shown also serves as a visual terminus to 182nd Avenue (looking north). This site also provides opportunities for spectacular views "down valley".~~	*dedicated for the park with development and the City may have to find alternative land. The Capital Improvement Plan and System Development Charges project lists allow for this. The type of facilities for each park classification are shown in the Parks Master Plan.*

~~Park Site D (3.19 acres) East of 190th near Butler Road – This location is the eastern-most park site. It serves as a pedestrian connector from Butler Road to the East Buttes Loop Trail. The park may be split into two smaller parks, serving north and south neighborhoods.~~ ~~Park Site E (3.27 acres) South of Cheldelin and East of Foster Road – This site will serve higher residential density neighborhoods. It also is intended as a visual terminus to the south end of 182nd Avenue. This is one of two sites located in Clackamas County.~~ ~~Park Site F (3.41 acres) West of 190th and north of Cheldelin Road – This park is located between two significant ESRAs in SE Pleasant Valley.~~ ~~Park Site G (3.39 acres) East of 172nd Avenue and north of Clatsop Street/Cheldelin Road. This park aligns between the ESRA to the east and the Power line Corridor Trail to the west.~~ ~~Park Site H (1.11 acres) West of Mitchell Creek and adjacent to the planned schools. Located in Portland, this is the smallest park in the inventory. This key site will cross Mitchell Creek and connect with the East Butte Loop Trail.~~ ~~Park Site I (3.69 acres) North of Sager Road and West of 172nd Avenue – This is the second of two sites located in Clackamas County. Its intent is to connect the two ESRA areas in this SW neighborhood.~~ ~~Community Park~~ ~~Park Site O (29.60 acres) The Community Park is centrally located and will provide a wide variety of recreational opportunities to all residents of Pleasant Valley. The park is sited east of the Town Center, framed on either side by overhead transmission lines and underground natural gas distribution lines. The proposed north/south Power Line Trail lies within its boundaries. The northernmost boundary is north of Giese Road, stretching southerly until it meets up with ESRA lands on the northern bank of Kelly Environmental Sensitive Restoration Areas (ESRAs)~~ ~~Gresham's~~ Pleasant Valley contains ~~475.6~~ 251 acres of wetlands, streams and stream corridors. ~~Using City of Gresham standards for calculating Open Space, 135.29 acres from the total amount has been so designated. The balance of the RAs is labeled Natural Resource Areas~~. The costs for all land acquisition, conservation easements, restoration and maintenance of wetlands, streams, and stream corridors will be substantial. There	

is no one method that can or should be used for everything. Discussion is ongoing as to which City Departments would have jurisdiction, or would take the lead on this significant issue. ~~Trails~~ ~~The Plan Map identifies 8.19 miles of trails, including 9 pedestrian bridges over Mitchell, Kelly and two additional un-named tributaries. The vast majority of proposed trails fall within the ESRAs, although some crossings are within existing utility corridors while others alignments are on private property.~~ Whenever possible, it is desirable to connect the trails with the parks and open space system. The preparation of a formal park, trails and open space Master Plan for Pleasant Valley will address many of these concerns. FINANCING PLAN *** The analysis indicates that forecast SDC receipts would not be sufficient to finance the planned park and trail improvements and open space acquisition in Pleasant Valley. Nor does the analysis include potential restoration costs for ~~ES~~RAs. There are, however, fairly significant public benefits that come from the restoration of ~~ES~~RAs. Some public participation in their restoration seems appropriate.*** GOAL, POLICIES & ACTION MEASURES *** ACTION MEASURES 1. Amend parks, recreation, open space and trails master plan(s) for Pleasant Valley consistent with the Pleasant Valley Plan District. This includes funding mechanisms and strategies for acquisition, development and operation. 2. Evaluate the natural areas (~~ES~~RA) for their capacity to support passive recreation use in order to determine whether or not additional open space land is needed to meet projected demands. The RA lands will not necessarily provide recreation. In some cases, human access should be very limited or prohibited in order to protect natural resource values.	*Updated and moved to CIP list above. Trails were removed from riparian buffers wherever possible with the adoption of Appendix J of the Parks and Recreation, Trails and Natural Areas Master Plan in 2015.*

3. Conduct a park and recreation needs assessment to more precisely define parks, open space and trails requirements consistent with the Pleasant Valley Plan District plan. a. The design and size of parks should take into account potentially needed facilities. These facilities can include features such as, but not limited to, basketball courts, sports fields, picnic facilities, community gardens and community center buildings. b. The design and size of open space should take into account the size sufficient to protect resources. A continuous open space network is anticipated for Kelley ~~and Mitchell~~ Creek~~s~~. The current city per capita standards for open space acreage is less than areas identified as state Goal 5 natural resources in Pleasant Valley. Open spaces, in addition to natural resources, can include, but are not limited to, trails, trailhead amenities, benches, interpretative signs and native vegetation. c. The design and size of trails should take into account the size sufficient to protect resources and accommodate activities. In addition to the actual trails, features can include, but are not limited to, walk-in trailheads, benches, interpretive signs and native vegetation. 4. Develop a strategy to establish the identity, design and funding of the community park. Consideration shall be given to future public involvement strategies including a design charrette. 5. Support designation of the Pleasant Valley regional trails system in the Metro Greenspaces Master Plan. Identify funds that can be uses to study the feasibility of the trails, right-of-way acquisition, design and construction. The following have been nominated for inclusion on the Metro Trails and Greenway map: a. East Buttes Powerline Corridor Trail. This trail runs north / south partially via the BPA/Northwest Natural Gas line easement. It connects to the Springwater Corridor Trail and the proposed Gresham/Fairview Trail and to the Clackamas River Greenway near Damascus. b. East Buttes Loop Trail. The trail runs east / west along both sides of the main stem of Kelley Creek. It runs through the heart of Pleasant Valley and provides connections to the Springwater Corridor Trail; the Gresham Butler Creek Trail and a Metro open space area.	*Updating to reference an annual review of parks projects*

6. The parks master plan, capital improvement plan, and parks system development charge project list should be reviewed annually and updated as needed to ensure that these parks and trail project locations and costs are kept current as properties develop.	

Section 21. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.800 Springwater Plan District is amended as follows:

Proposed Text Amendment	*Commentary*
*** **10.803 Sustainability** *** **SUMMARY OF MAJOR ISSUES** *** **Site Development Practices**. Green site development practices are implemented through a combination of techniques that minimize the impact of development on the natural areas and surrounding communities. Green site development incorporate the following elements: *b. Xeriscape Landscaping*. Xeriscape landscaping promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, and limiting irrigation. This approach also supports and encourages protection and restoration of natural areas where development occurs on parcels adjacent to ~~Environmentally Sensitive~~ Resource Areas. ***	
10.805 Transportation **BACKGROUND** *** Key features of the Transportation element of the Plan are: *** • Provide a logical and connected street system that connects directly to community destinations while also avoiding the ~~ESRA~~ NRO where possible. Mitigate where not possible. Plan for a local street system that complements the arterial and collector street system and meets regional connectivity requirements within the residential and mixed use areas of the plan.	

***	
10.806 Natural Resources **BACKGROUND** *** ***The plan will preserve, protect, and enhance natural resources**. It will define, protect, restore and enhance significant natural resources, including stream corridors, wetlands, and forested areas. Resource areas will provide the basis for identifying development constraints as well as serving as open space amenities for the Springwater Community. Resource protection and enhancement will be a shared responsibility of property owners, developers and governments.* The Natural Resource team used this goal as a basis for defining the Environmentally Sensitive Resource Areas ~~(ESRAs)~~ (later updated to Natural Resource Overlay~~ESRA~~). After a thorough inventory of resources in the study area, the work team presented their findings through a series of inventory maps at public meetings. Local residents made additions and corrections to the maps. This information, combined with extensive field studies conducted by the project team, formed the basis for assigning significance levels to each resource in the study area. The final ESRA was determined through an Environmental, Social, Energy and Economic (ESEE) study to determine where urban development in resource areas should be allowed, limited, or prohibited. Selected characteristics of the ESRA/NRO include: • Wetlands, riparian habitat, and upland habitat offering both opportunities for protection of high value resources, and opportunities for enhancement of degraded resources. • Habitat migration routes along the waterways and between the buttes. • Buffers adjacent to the resources of up to 200 feet, depending on the type of resource. • Implementation strategies including planning-level project cost, funding strategies, regulatory and incentive options, and restoration priorities. *** **POLICIES** *** 13. Landslide prone ~~with~~ slopes ~~of 25 percent or above~~ shall be protected. ***	

ACTION MEASURES 1. Add the Springwater Community Plan area to the Community Development Hillside ~~Special Purpose District~~ and Geologic Risk Overlay Map. 2. Examine habitat between Botefur Creek & Hogan Creek to identify a potential corridor that may be recommended for preservation for wildlife habitat. 3. Examine habitat between Sunshine Creek & buttes to south of Springwater to identify a potential that may be recommended for preservation for wildlife habitat. 4. Evaluate availability of grant funding to support recommendations in the Springwater restoration program. 5. Continue to evaluate long-term funding opportunities for natural resource preservation, enhancement, and maintenance. 6. Coordinate with stormwater and transportation project implementation to maximize benefits to the natural resources. 7. Coordinate with Multnomah County for adoption of Goal 5 resource map and local wetland inventory. 8. Continue to work with the ~~City of Damascus and~~ other stakeholders to coordinate resource preservation and enhancement efforts. 9. Identify funding sources for implementing Natural Resource goals and programs. ***	
10.824 Stormwater Management System **System Description/Condition Assessment** *** ***Planned Improvements***. Springwater is a rural area where historical drainage practices have resulted in a significantly altered watershed and have had a dramatic adverse impact on watershed health, especially in riparian areas. The recommended stormwater system for Springwater is intended to minimize the impact of development and maintain or restore watershed functionality using the goals and recommendations described below. Stormwater management in Springwater is based on green practices that include both onsite stormwater management and public infrastructure facilities. Both components use techniques and processes that mimic natural hydrology to the greatest extent practical, reducing impacts of runoff to pre-development conditions, or improving over current conditions.	*Updated to reflect best management practices*

In Springwater, the envisioned stormwater drainage system will serve an important role as the framework for the community's design. In the public right-of-way, adjacent to the area roads, raingardens are proposed to treat and detain stormwater. These systems cost more to build than conventional systems, but are critical to maintain water quality and to diminish peak flows ~~Rather than routing runoff to underground pipes for conveyance, runoff will be conveyed through green street swales and swale culverts, or through drainage channels in areas that do not drain to roadways. Vegetated swales located between the roadway and sidewalks and drainage channels located along environmentally sensitive resource areas (ESRAs) will slow the flow of runoff and also provide some infiltration, reducing the quantity of stormwater that must be managed in regional facilities. Figure 5 shows the proposed location of CIP swales, swale culverts, and drainage channels. These swales and drainage channels will generally have an 8-foot top width, 2-foot bottom width, and 4:1 side slope. In areas where the standard swale geometry does not provide adequate capacity, a 10-foot top width will be provided. Approximately 150,000 lineal feet of swale and drainage channel improvements are recommended.~~ Twenty-one stream crossings have been identified. These crossings will be a combination of reinforced concrete box culverts, circular culverts, and bridges. All crossings were assumed to provide fish passage. Costs of the culverts or bridges have not been included in the stormwater CIP but will be included in the transportation CIP.	
The raingarden system will discharge to local stormwater management facilities that serve two functions. First, the raingardens will slow down the stormwater flow and let vegetation in the facility improve water quality by "polishing" the runoff to removing excessive sediment and pollutants. Second, in combination with local stormwater management facilities, they will regulate the rate and volume of stormwater discharge to the natural stream channels in the Resource Areas RA) to a level that is no greater than the discharge rate of pre-development conditions to the maximum extent practicable. Because siting and acquiring sites for regional stormwater management facilities is impractical, and because it is beneficial to treat stormwater closer to where it falls by using local stormwater facilities, those facilities can be developed, in accordance with these principals, as development occurs	*Updated to reflect best management practices*
~~Regional facilities will control the flow of runoff back to the streams in order to regulate the rate and volume of flow entering the stream. In addition, vegetation in the facility will improve water quality by "polishing" the~~	*Removing references to impractical and outdated practices.*

~~runoff to remove excessive sediment and pollutants[5]. Twenty two new regional stormwater facilities have been identified for the Springwater planning area, as shown in Figure 5. Most (20) of the regional facilities are currently planned to be ponds, and two facilities (located on or adjacent to the mainstem of Johnson Creek) will be dedicated water quality treatment swales. The 22 new facilities includes two facilities in the Brickworks area in the existing City limits, one facility at the base of the Persimmon Country Club, and 19 facilities within the area added as part of the 2002 Urban Growth Boundary expansion. All of the proposed facilities are located in Multnomah County. The facilities range in size from 4 acre-feet to 22 acre-feet, providing volume for flood control, channel stability enhancement, and water quality enhancement.~~ ~~Siting for the stormwater facilities is an important consideration; by optimizing the location of facilities, the City's investment can be used to maximize public benefit. All of the facilities are located in proposed ESRAs, and acquisition of the property for these facilities will provide the additional benefit of promoting natural resource enhancement or restoration. For example, the ESRA in the vicinity of the Highway #1 regional facility and the drainage channel immediately upstream along the North Fork Johnson Creek has been identified for riparian rehabilitation, and the Highway #2 pond could be developed as part of the Johnson Creek/ Highway 26 wetland complex and floodplain reconnection project identified in the Natural Resource Management Plan.~~ As specific stormwater projects are designed and implemented, the City should refine the stormwater conveyance, detention, and treatment facilities to maximize the opportunity to acquire ESRAs through the stormwater management program and to support implementation of the Natural Resource Management Plan. ~~One of the facilities is located adjacent to a proposed Community Park location north of the Village Center, and could be used to promote public education regarding stormwater management and watershed protection issues. Two of the facilities (Springwater Trail #2 and #3) are located adjacent to the Village Center Loop Trail. Land acquisition costs for these facilities could be offset by Parks department purchase of the ESRA adjoining the trail.~~	*Removing references to impractical and outdated practices.*
With proper maintenance, the ~~drainage channels~~ raingardens will provide water quality treatment prior to discharge of stormwater to the ~~regional~~ local stormwater facilities. However, if maintenance proves to be difficult ~~due to the location of the drainage channels~~, appropriate treatment will be provided in the ~~regional~~	*Updated to reflect best practices*

[5] Pleasant Valley Implementation Plan Report, December 2003.

local stormwaterregional facilities. This allows for a wide variety of vegetation in the ~~drainage channels~~ raingardens, to ease the City's ability to maintain the facilities. ~~Costs associated with the public stormwater infrastructure recommended in Springwater are shown in Tables 6 and 7 below. Costs are based on the annexation subareas described in the Summary Report. These costs were developed using the same unit cost assumptions as used in the Pleasant Valley Stormwater Master Plan, and are based on an ENR 20-City Construction Cost Index (CCI) of 7297. Land acquisition costs are included for the regional detention facilities, and vary depending on whether or not the facility is located in an ESRA. Costs associated with stream crossings (culverts and bridges shown on Figure 5) are included in transportation CIP costs[6]. The total cost of recommend stormwater improvements in Springwater is $27.7 million.~~ *** **Summary of Future Needs** • Coordination is needed between Gresham ~~and the new City of Damascus~~ regarding stormwater system planning and design guidelines for the portion of the study area ~~in Damascus (south of Rugg/Stone roads)~~ south of Multnomah County. A consistent approach regarding stormwater conveyance standards, development setbacks, allowed uses in ESRAs, and other issues related to stormwater management should be identified in an intergovernmental agreement. • Modification of the SDC improvement fee may be necessary to fund required improvements in Springwater. ~~• Purchase of properties required for regional stormwater management facilities should transpire as soon as the Master Plan is completed, adequate funding is secured, and successful acquisition negotiations completed.~~ • The City of Gresham will not be responsible for NPDES and TMDL compliance for Springwater until areas are annexed to the City. Prior to annexation, regulatory permitting requirements ~~need to be addressed~~ will be the responsibility of Multnomah County. ***	*Removing references to impractical and outdated practices.* *Updated to remove reference to Damascus* *Updated to reflect best practices*

ACTION MEASURES 1. Implement an SDC policy to provide adequate funding for stormwater facilities in Springwater. 2. Review stormwater utility rates and modify as appropriate to support maintenance of facilities in Springwater. 3. Coordinate with the Parks Division to ensure that development of the Village Center Loop trail is adequately protective of natural resources. 4. Look for opportunities to enhance natural resource areas through the construction and maintenance of stormwater facilities. 5. Update the City's onsite stormwater management program to address land use types in Springwater. ~~6. Coordinate with the Parks Division to investigate the option of combining drainage channels and multi-use trails if the Employee Loop trail is located along stream corridors.~~	*Updated to remove outdated practices.*
10.825 Parks, Open Space and Trails System *** **Open Space** *** **Plan Recommendations** There will be 121.90 – 148.90 acres of Parks ~~funded open space available for purchase~~ based on the LOS recommendations discussed earlier in this section. While this does not limit the total amount of open space that could be acquired in the district, it does give a reasonable goal to be achieved through various funding strategies. Some of this open space will have to be used for the creation of trail corridors. The natural resource assessment has also identified ~~383~~447 acres of Environmental Resource Area and additional wildlife corridors and natural areas Realistically, not all of this land will be able to be acquired. The following guidelines have been developed to determine which areas have the highest priority for acquisition when funds become available: 1. Acquire land that contributes to the recreational goals of the district. 2. Acquire land that has the highest natural resource significance that is outside of regulation, including areas with high restoration potential and proposed habitat connections.	

3. Acquire land that has the highest natural resource significance that is inside of regulation, including creek corridors, wetlands, upland forests and buttes. *** **Trails** The trails in Springwater were incorporated into Appendix J of the Parks and Recreation, Trails and Natural Areas Master Plan in 2015. ~~**Employee Loop Trail**~~ ~~Two options are under consideration for the trail system east of US. 26. For one the trail system would exclusively follow the road network, the other would abut the ESRA areas parallel to the stream corridors along the north folk and main stem of Johnson Creek and along the road network as necessary for connectivity. The first graphic below illustrates the conceptual implementation of the trail in relationship to the road and swale in the road network option. The swale corridor will be increased by 4 feet to allow for a more informal planting palette of native species, distinguishing the street edge as a special corridor. The trail itself will be a 12-foot wide multi-use corridor adjacent to the swale and property line. Property owners along the corridor should be encouraged to enhance the trail with native plantings in the setback area adjacent to the trail. In areas with few driveways, the on-street bicycle network can be consolidated into the multi-use trail to reduce the amount of R.O.W. needed.~~ ~~The following two graphics both illustrate the trail cross section in the second optional alignment adjacent to Johnson Creek or the North Fork of Johnson Creek. The first section illustrates a stormwater swale and landscaped area between private development and the proposed trail location. The second section shows the trail immediately adjacent to private development with the stormwater swale adjacent to the stream and potential stream buffers. The first section allows for easier stormwater conveyance to the swales, while the second option could allow the swale to function as a buffer between the trail and the adjacent ESRA. It is possible that the stormwater conveyance/treatment channel could be constructed under the trail in a form of subgrade filtration facility, however for planning purposes the swale and trail remain separate in both options shown below.~~ ***	*Trails were refined and realigned with the adoption of Appendix J of the Parks and Recreation, Trails and Natural Areas Master Plan in 2015.*

~~**Village Center Loop Trail**~~ ~~To the west of US. 26 the trail system will follow creek corridors to create a roughly 1 mile trail loop. The followir graphic illustrates the trail between a protected creek corridor and the street ROW.~~ ~~As conceived, the Village Center Loop Trail and the vehicular road network will be an integrated plan with a single-loaded road fronting most of the loop trail as shown in the Conceptual Trail Section Adjacent to ROW below. The trail corridor in both sections is a linear 25-foot corridor in which a 12-foot wide multi-use trail will meander though. The width of the corridor may have to be increased in special conditions to maintain a 5% longitudinal slope along the trail. At special points along the trail an overlook can be provided to allow better views into the protected corridor. Creation of the overlook should create the least impact possible.~~ ~~Integrating trails with environmentally sensitive resource areas requires striking a balance between public recreational access and preserving the integrity of the resource. When implementing the trails, designers should reference the Springwater Natural Resources Plan and the Metro Green Trails Handbook for characteristics of protected areas to be considered during trail design.~~ ***	

<u>Section 22</u>. Volume 2, Policies and Summary, Article 10 Summary of Findings, Policies and Implementation Strategies, Section 10.900 Kelley Creek Headwaters Urbanization Plan is amended as follows:

Proposed Text Amendment	***Commentary***
***	
KELLEY CREEK HEADWATERS GOAL, POLICIES AND ACTION MEASURES	
***	
ACTION MEASURES	
1. Upon annexation, properties will be given the following land use designations, as applicable, and as shown on the Urban Growth Diagram:	
a. Low Density Residential (LDR-7); b. Hillside ~~Physical Constraint Overlay to protect slopes of 15% and greater~~<u>and Geologic Risk Overlay on landslide prone area</u>; c. <u>Natural Resource Overlay along streams, riparian areas, wetlands and publicly owned upland habitat</u> ~~Habitat Conservation Area (HCA) Overlay to protect Metro Class 1 and 2 riparian areas~~	*Updated to reflect new overlays*

~~along intermittent and perennial streams and publicly owned Class A and B upland wildlife habitat areas~~; and ~~d. Open Space Overlay for the Metro owned parcels that are dedicated for open space.~~ ***	

Section 23. Volume 2, Policies and Summary, Article 10, Appendices is amended as follows:

Proposed Text Amendment	***Commentary***
APPENDIX A **FUTURE LAND USE IMPLICATIONS** SPECIAL PURPOSE DISTRICTS These are overlay district designations shown on the Special Purpose District Map. Uses permitted in areas with these designations are generally as permitted in the districts, which are shown on the Community Development Plan Map, subject to special development standards. All of the special purpose districts are related directly to development constraints or to the presence of significant natural resource or open space values. Development proposals within these special purpose districts must include data for determining the actual portions of a development site which are within one of the districts and therefore subject to special development standards.	
a. ~~Flood Plain~~ Floodplain Physical Constraint District - Development within the 100-year floodplain, as determined by the Federal Emergency Management Agency (FEMA) is restricted where documented natural resource or open space values are also present. In other flood plain areas, development may be permitted subject to design standards intended to minimize potential flood damage, and based on findings that the capacity of the floodplain would not be adversely affected. In low density residential districts, a density transfer credit of two dwelling units for each acre within the floodplain is available.	*Updated to reflect overlay name*
b. Hillside and Geologic Risk Overlay~~Physical Constraint District: 15% 35% Slope~~ - This special purpose district is found entirely south of Stark Street and requires geotechnical review of sites for safety and limits overall ground disturbance during development. ~~within low density residential land use districts. Special development standards are applied, and detailed reports concerning soils and engineering techniques are required. Minimum lot sizes range from 14,000 sq. ft. to 29,000 sq. ft., depending on the degree of slope. Clear-cutting of timber within this district is prohibited.~~	*Updated to reflect new overlay*

c. Hillside and Geologic Risk Overlay~~Physical Constraint District~~: ~~35%+ Slopes~~Highly Sloped Subarea - This ~~district occurs entirely within low density residential land use districts~~subarea of the Hillside and Geologic Risk Overlay covers areas of 35% slope of greater. Property which is entirely within this district may be improved to the extent of one dwelling unit for each existing lot of record~~. A density transfer credit of one dwelling unit per acre within this special purpose district is established. Clear-cutting of timber within this district is prohibited~~. d. Natural Resource Overlay ~~District~~ - This district encompasses sites of high natural resource value along streams, riparian areas, wetlands and publicly owned upland habitat ~~as identified in the Inventory of Significant Natural Resources and Open Spaces. Development within this district is generally limited to uses for which there is a documented public need and where alternative sites are not available.~~ A density transfer credit is available for ~~low density and moderate density~~ residential sites ~~lying partially~~ within this district. e. Open Space District - This district encompasses sites identified as having significance for open space characteristics, as identified in the Inventory of Natural Resources and Open Spaces. Public and private open space areas with this special purpose designation include parks, schools, golf courses, and greenways. Development within this district is limited to community service developments serving a public need and various recreational uses. A density transfer credit is available for low density and moderate density residential sites lying partially within this district. f. Historic Landmark District - This special purpose district designation is applied to historic landmark sites which have been identified in the inventory of Historic and Cultural Landmarks. It also applies to property lying north of Interstate 84, where discovery of archaeological resources during the course of development is likely. Some landmarks with this designation require prior review and approval of proposed exterior alterations, and all landmark structures are subject to standards which could delay issuance of demolition permits.	*Updated to reflect new overlay* *Updated to reflect new overlay*
APPENDIX D The Community Development Special Purpose District Maps are reproduced as separate documents. Special Purpose District Maps identify:	

Land which lies within the - - Floodplain Overlay District*; - - ~~Hillside Physical Constraint District~~ HGRO; - - Open Space Districts; - - Historical and Cultural Landmark sites; - ~~- Water Quality Resource Area (WQRA);~~ ~~- - Habitat Conservation Area (HCA) Habitat Classification Map; and~~ ~~- - Habitat Conservation Area (HC) Habitat Values Map~~ NRO Specific regulations apply to land or sites that have a Special Purpose District Map designation. ~~*The Floodplain Overlay District shall be those areas designated as "special flood hazard areas" on the FEMA "Flood Insurance Rate Maps, Multnomah County, Oregon and Incorporated Areas, December 18, 2009" (FEMA Maps) and said FEMA Maps are adopted by reference and declared to be a part of this Appendix as the Community Development Special Purpose Districts Maps showing the Floodplain Overlay District.~~ ***	*Updated to reflect new overlay*
~~**APPENDIX I**~~ ~~**SPRINGWATER – SLOPES OVER 15%**~~	

Section 24. Volume 3, Development Code, Article 3 General Terms, Section 3.0100 Definitions is amended as follows:

Proposed Text Amendment	***Commentary***
*** See Exhibit A.3.a for changes.	

<u>Section 25</u>. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.0100 Residential Land Use Districts is amended as follows:

Proposed Text Amendment	*Commentary*
***	
4.0138 Residential Compatibility Standards for LDR-5, LDR-7, TLDR and TR	
***	
D. Standards for New Residential Development Adjacent to Existing Low-scale Development	
***	
3. Standards:	
***	
c. A potential adjustment may be allowed for lots on existing slopes where the compatibility angle restricts the building volume more than intended in **Section 4.0138(D)(1)**. It does not apply to lots where the grade has been artificially raised. Adjustments shall meet the following standards:	
1. Lots intended for proposed development that have existing slopes as described above can apply for the vertical plane to be raised if the compatibility angle results in a height at the 5-foot setback that is less than 20 feet on the portion of the lot where the applicant intends to build a structure; and	
2. The applicant requesting the change in vertical plane shall demonstrate that the development cannot comply with the compatibility angle by changing the location of the building because of <u>Natural Resource Overlay, Hillside and Geologic Risk Overlay</u>~~Habitat Conservation Area, steep slopes,~~ existing structures, tree preservation or similar constraints; and	*Update to reflect new overlays names*
3. The revision shall be approved at the discretion of the Manager; and	
4. The revision shall conform to the intent of the compatibility angle to limit side wall heights to 22 feet facing the lot with the existing single-family detached dwelling or duplex that meets the standards in **Section 4.0138(D)(2)**.	
***	

<u>Section 26</u>. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1300 Gresham Butte Plan District is amended as follows:

Proposed Text Amendment	*Commentary*
General **4.1301 Purpose** The Gresham Butte Plan District is an overlay district providing special regulations covering the Gresham Butte area of the city. The boundaries of the Gresham Butte Plan District are shown on the Gresham Butte Overlay Map in Appendix 41 of Volume 1, Gresham Community Development Plan. Contained in this section are special requirements for development within this area. Special requirements for this area are provided to preserve the natural beauty of Gresham Butte. In addition, the requirements are needed to provide for the unique development conditions experienced on Gresham Butte including special needs in the areas of storm water management, fire protection and access management. The uses permitted and standards applied match those of the Low-Density Residential-5 District and the ~~Hillside Physical Constraint District~~ Hillside and Geologic Risk Overlay unless modified by this section. The uses permitted and standards applied match those of the Low-Density Residential-5 District and the ~~Hillside Physical Constraint District~~ unless modified by this section. ***	*Update to reflect new overlays names*

Section 27. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1400 Pleasant Valley Plan District is amended as follows:

*** **4.1403 Pleasant Valley Sub-districts In General** The Plan District Sub-districts listed below apply to land in the Plan District. They are intended to work together to result in a complete community that includes attractive places to live, work, shop, and recreate, together with natural resource areas that are integrated into the urban environment, consistent with the purposes in **Section 4.1401** and the Comprehensive Plan.	

The Sub-districts in Pleasant Valley are: Full Name (Short Name/Map Symbol) Low-Density Residential - Pleasant Valley (LDR - PV) Medium-Density Residential - Pleasant Valley (MDR - PV) High-Density Residential - Pleasant Valley (HDR - PV) Town Center - Pleasant Valley (TC - PV) Neighborhood Center - Pleasant Valley (NC - PV) Mixed-Use Employment - Pleasant Valley (MUE - PV) Employment Center - Pleasant Valley (EC - PV) ~~Environmentally Sensitive/Restoration Areas - Pleasant Valley (ESRA-PV)~~	*Removing Section*
Pleasant Valley Residential Sub-districts Purpose and Characteristics **4.1404 Low-Density Residential – Pleasant Valley (LDR-PV)** This designation affects land primarily intended for single-family detached dwellings, manufactured homes, and duplexes on a wide range of lot sizes. Development in this Sub-district shall be arranged to form part of an individual neighborhood, invite walking to gathering places, services and conveniences, and a neighborhood park, and connects to the larger community by a pattern of streets, blocks, trails, and pedestrian ways and linkages to the ~~Environmental Sensitive and Restoration Areas~~Natural Resource Overlay. A mix of lot sizes and housing variety within LDR-PV Sub-district areas in the Plan District as a whole and generally in individual neighborhoods is intended. The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan consistent with the purposes in **Section 4.1476**. The approved master plan shall provide for an average density of 5.3 to 7.9 dwellings per net residential acre in this Sub-district. ***	*Update to reflect new overlays name*

4.1419 Employment Center – Pleasant Valley (EC-PV) **Purpose and Characteristics** The Employment Center (EC-PV) Sub-district is primarily intended to provide business/office park and medical and other employment opportunities. Primary uses shall include knowledge-based industries (graphic communications, creative services, etc.), research and development facilities, office uses, medical facilities, and other business park uses. Emphasis is placed on business suited to a high environmental quality setting. Characteristics for the Employment Center Sub–district include: **A.** EC-PV areas shall be located on a major or standard arterial street where there is access to transit. **B.** EC-PV areas shall be near a neighborhood center or the town center. **C.** Parcels are intended to range from approximately five to approximately 20 acres. **D.** EC-PV areas shall have access to high-speed Internet communications systems. **E.** EC-PV areas adjacent to Resource Areas~~ESRA~~ areas shall be designed to provide a compatible relationship to the Resource Areas~~ESRA.~~ **F.** Design will create pedestrian-friendly areas and utilize cost effective green development practices. ***	*Update to reflect new overlays names*
~~**Pleasant Valley Environmentally Sensitive/Restoration Areas**~~ ~~**4.1430 – 4.1469**~~ ***	*Removing section to be replaced by 5.0700 Natural Resource Overlay*
Pleasant Valley Master Plans *** **4.1477 Density Transition** The planned variety of housing types and mix of densities in Pleasant Valley will benefit from carefully planned transitions between the various building types and lot sizes. Transitions of housing types and density shall consider the following guidelines: **A.** Similar uses, lot sizes, and building sizes should be located opposite each other on the same street. **B.** For adjoining uses, similar street-side setbacks shall be used.	

C. Appropriate locations for a change in use, lot size, or building type are: **1.** The mid-point of blocks and or along alleys **2.** Block ends **3.** On lots that face neighborhood parks, private open spaces and/or Resource Areas~~ESRAs~~. **D.** The same attached building type (e.g., apartments) should not extend more than 2 blocks or 900 feet (whichever is less) along the same street. **E.** **Figure 4.1477** illustrates the density transition concept and is intended as a guideline.	*Update to reflect new overlays name*
4.1487 Solar Energy Standards for Pleasant Valley Districts Solar energy systems are limited in Pleasant Valley districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay): **A.** Scale. **1.** LDR-PV ~~and ESRA-PV~~: Small scale solar energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **B.** Type. **1.** LDR-PV ~~and ESRA-PV~~: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts. **C.** Height. **1.** LDR-PV ~~and ESRA-PV~~: The following limitations on maximum height apply to all solar energy systems in these districts: **a.** Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed. **b.** Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in	*Update to reflect new overlay* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference*

height. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to solar energy systems in these districts: **a.** Roof-top, Flat-roof and Integrated. **i.** For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed. **ii.** For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed. **b.** Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height. **D.** Setbacks and Yards. **1.** LDR-PV ~~and ESRA-PV~~: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Solar energy systems are not allowed in the required front or street-side setbacks.	*Removing out of date reference*
4.1488 Wind Energy Standards for Pleasant Valley Districts Wind energy systems are limited in Pleasant Valley districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>: **A.** Scale. **1.** LDR-PV ~~and ESRA-PV~~: Small scale wind energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small and medium scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **B.** Type.	*Update to reflect new overlay* *Removing out of date reference*

1. LDR-PV ~~and ESRA-PV~~: Roof-top wind energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Roof-top and ground-mounted wind energy systems are permitted in these districts. **C.** Height. **1.** LDR-PV ~~and ESRA-PV~~: The following limitations on maximum height apply to all wind energy systems in these districts: **a.** Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: The following limitations on maximum height apply to all wind energy systems in these districts: **a.** Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum. **b.** Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. The height limit of 45 feet can be exceeded up to 110 feet with a Special Use Review. **D.** Setbacks and Yards. **1.** LDR-PV ~~and ESRA-PV~~: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front or street-side yard between the building and the street in these districts.	*Removing out of date reference* *Removing out of date reference* *Removing out of date reference*
4.1489 Biomass Energy Standards for Pleasant Valley Districts Biomass energy systems are limited in Pleasant Valley districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>: **A.** Scale.	*Update to reflect new overlay*

1. LDR-PV ~~and ESRA-PV~~: Small scale biomass energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale biomass energy systems are permitted in these districts. **B.** Type. **1.** LDR-PV ~~and ESRA-PV~~: Non-hazardous biomass systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Non-hazardous biomass systems are permitted in these districts. **C.** Height. **1.** LDR-PV ~~and ESRA-PV~~: Biomass energy systems shall not exceed the maximum district height limits in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Biomass energy systems shall not exceed the maximum district height limits in these districts. **D.** Setbacks and Yards. **1.** LDR-PV ~~and ESRA-PV~~: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in front or street-side yards between the building and the street, or in side yards in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street in these districts.	*Removing out of date reference* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference*
4.1490 Geothermal Energy Standards for Pleasant Valley Districts Geothermal energy systems are limited in Pleasant Valley districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>: **A.** Scale. **1.** LDR-PV ~~and ESRA-PV~~: Small scale geothermal energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **B.** Type.	*Update to reflect new overlay* *Removing out of date reference*

1. LDR-PV ~~and ESRA-PV~~: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts. **C.** Height. **1.** LDR-PV ~~and ESRA-PV~~: Geothermal systems shall not exceed the maximum district height limits in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems shall not exceed the maximum district height limits in these districts. **D.** Setbacks and Yards. **1.** LDR-PV ~~and ESRA-PV~~: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections.	*Removing out of date reference* *Removing out of date reference* *Removing out of date reference*
4.1491 Micro-Hydro Energy Standards for Pleasant Valley Districts Micro-hydro energy systems are limited in Pleasant Valley districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>: **A.** Scale. **1.** LDR-PV ~~and ESRA-PV~~: Small scale micro-hydro energy systems are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Small scale micro-hydro energy systems are permitted in these districts. **B.** Type. **1.** LDR-PV ~~and ESRA-PV~~: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts.	*Update to reflect new overlay* *Removing out of date reference* *Removing out of date reference*

C. Height. **1.** LDR-PV ~~and ESRA-PV~~: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.	*Removing out of date reference*
D. Setbacks and Yards. **1.** LDR-PV ~~and ESRA-PV~~: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply. **2.** MDR-PV, HDR-PV, TC-PV, NC-PV, MUE-PV and EC-PV: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.	*Removing out of date reference*

Section 28. Volume 3, Development Code, Article 4 Land Use Districts and Plan Districts, Section 4.1500 Springwater Plan District is amended as follows:

Proposed Text Amendment	***Commentary***
*** **4.1503 Springwater Sub-districts In General** The Plan District Sub-districts listed below apply to land in the Plan District. They are intended to work together to result in a complete community that includes attractive places to live, work, shop, and recreate, together with natural resource areas that are integrated into the urban environment, consistent with the purposes in **Section 4.1501** and the Comprehensive Plan. The Sub-districts in Springwater are: Full Name (Short Name/Map Symbol) Very Low Density Residential - Springwater (VLDR - SW)	

Low Density Residential - Springwater (LDR - SW)
Townhouse Residential - Springwater (THR - SW)
Village Center - Springwater (VC – SW)
Research/Technology Industrial – Springwater (RTI-SW)
Industrial – Springwater (IND – SW)
Neighborhood Commercial - Springwater (NC - SW)
~~Environmentally Sensitive Resource Area - Springwater (ESRA-SW)~~

Removing reference to out of date code

Table 4.1508 Development Standards in Springwater Residential Sub-districts

Table 4.1508 - Development Standards in Springwater Residential Sub-districts

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

Removing reference to out of date code

Springwater Overlay Sub-districts

***

4.1563 Community Park Overlay

A. Purpose

The purpose of Springwater's community park is to provide active and/or passive recreational opportunities for all area residents and accommodate large group activities. Community parks are intended to serve several neighborhoods, rather than the whole city. They provide a variety of accessible recreation opportunities for all age groups, environmental education opportunities, serve recreation needs of families, and provide opportunities for community social activities.

The Community Park Overlay Sub-district marks the desired location of a community park in

Springwater, consistent with the Comprehensive Plan. This overlay does not preclude the submittal and review of applications for any use permitted in the base zone. The base zone for the Springwater Community Park is ~~ESRA-SW and~~ VLDR-SW. The base zone for the East Springwater Park is IND-SW. All land use reviews where the subject property or area-wide master plan affects the potential site of the park will include a determination of how the park can be incorporated into the land use decision, including potential acquisition or dedication of the park site, or portions of it. **B.** Location Criteria In general, Springwater's community park is intended to provide a wide variety of recreational opportunities in a central location of the community as described in the characteristics cited above. It is recognized that its final location and size will be determined as part of land use reviews, considering site specific conditions, availability of land for dedication or sale, proposed area master plans, and other factors. Locational criteria for the Community Park are described in the Parks section of the Plan District.	*Removing reference to out of date code*
4.1566 Xeriscape Landscaping Requirements *** **C.** Xeriscape Landscaping Requirements All landscape plans should be designed to incorporate water conservation materials and techniques through application of xeriscape landscaping principles. **1.** Maximum Amount of Lawn Area. The maximum amount of lawn/sod area shall not exceed 10% of the undeveloped area of the site. **2.** Plant Materials. The selection of plant materials shall be based on Western Oregon's climate and site-specific conditions. These species shall be selected either because they are a native species to this climate or have a demonstrated drought tolerance and no threat of competition with native species. **3.** Limit of Work Area. Prior to approval of any building permit, existing trees, shrubs, and/or ~~ESRA~~Resource Areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four (4) foot high visibility fence (polyethylene, painted, wooden slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the	*Removing reference to out of date code*

construction period until ready for revegetation. **4.** Revegetation of Disturbed Land. Development activities should only disturb, clear, or grade the area necessary for construction. All areas disturbed by grading or construction, not being formally landscaped, shall be mulched and revegetated with seeding and/or other plant materials. All seeded areas shall receive seeding mulch (straw-crimped in place or hydromulch, etc.). **5.** Keep vehicles and construction equipment out of undisturbed areas to preserve the natural ground cover and vegetation. **6.** Noxious Weeds. It is the duty of any property owner or occupant to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites. **7.** Irrigation System Requirements. Landscape improvements shall be properly irrigated during that period of time necessary for the plant to be established on the site and on an ongoing basis so as to maintain the landscape in good health and condition. The applicant must indicate what method of irrigation is proposed for any required landscape improvements. Some species may not require formal irrigation after their establishment period. It is encouraged that temporary, above ground piping and heads or hand watering be used for these plants during their establishment period to promote water conservation once the plant has become established. **8.** Environmentally sensitive habitat. Where landscaping is required for new development on parcels adjacent to or including the ~~ESRA plan district~~ Natural Resource Overlay, the protection or restoration of existing native tree canopy or wildlife habitat outside required buffers shall count toward landscaping percentage requirements. Restoration or protection shall consist solely of non-invasive, native plant materials appropriate to the habitat.	*Updating to reference new overlay*
~~Springwater Environmentally Sensitive Resource Area (ESRA) District~~ **~~4.1570 – 4.1594~~**	*Removing Section to be replaced by 5.0700 NRO*
4.1595 Solar Energy Standards for Springwater Districts Solar energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay): **A.** Scale.	*Update to reflect new overlay*

1. VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Small scale solar energy systems are permitted in these districts. **2.** NC-SW and VC-SW: Small and medium scale solar energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **3.** RTI-SW and IND-SW: Small, medium and large scale solar energy systems are permitted in these districts.	*Removing out of date reference*
B. Type. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts. **2.** NC-SW and VC-SW: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts. **3.** RTI-SW and IND-SW: Roof-top, flat-roof, integrated and ground-mounted solar energy systems are permitted in these districts.	*Removing out of date reference* *Removing out of date reference*
C. Height. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: The following limitations on maximum height apply to all solar energy systems in these districts: **a.** Roof-top, Flat-roof and Integrated. Solar energy systems shall not exceed the district height limit in which they are located and shall not exceed the roof height on which the system is installed. **b.** Ground-mounted. Ground-mounted solar energy systems shall not exceed 6 feet in height. **2.** NC-SW and VC-SW: The following limitations on maximum height apply to solar energy systems in these districts: **a.** Roof-top, Flat-roof and Integrated. **i.** For roofs that are flat or the horizontal portion of mansard roofs, the solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed. **ii.** For pitched, hipped or gambrel roofs, the solar energy system panels shall not exceed 18 inches in height from the surface of the roof on which the system is installed.	*Removing out of date reference*

b. Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height. **3.** RTI-SW and IND-SW: The following limitations on maximum height apply to solar energy systems in these districts: **a.** Roof-top, Flat-roof and Integrated. The solar energy systems on frames shall not exceed 10 feet above the roof height on which the system is installed. **b.** Ground-mounted. Ground-mounted solar energy systems shall not exceed 20 feet in height. **D.** Setbacks and Yards. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Solar energy systems are not allowed in the required front, street-side or side setbacks and are not allowed in the front yard between the building and the street in these districts. **2.** NC-SW and VC-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts. **3.** RTI-SW and IND-SW: Solar energy systems are not allowed in the required front or street-side setbacks in these districts.	*Removing out of date reference*
4.1596 Wind Energy Standards for Springwater Districts Wind energy systems are limited in Springwater districts as follows <u>(these standards may be restricted by 5.0700 Natural Resource Overlay)</u>: **A.** Scale. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Small scale wind energy systems are permitted in these districts. **2.** NC-SW and VC-SW: Small and medium scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **3.** RTI-SW and IND-SW: Small, medium and large scale wind energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review when the system is: **a.** Located on a building or on a site that is a historic, cultural or archeological resource; or **b.** Located adjacent to residentially designated lands. **B.** Type. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Roof-top wind energy systems are permitted in these	*Update to reflect new overlay* *Removing out of date reference*

districts. **2.** NC-SW and VC-SW: Roof-top and ground-mounted wind energy systems are permitted in these districts. **3.** RTI-SW and IND-SW: Roof-top and ground-mounted wind energy systems are permitted in these districts. **C.** Height. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: The following limitations on maximum height apply to all wind energy systems in these districts: **a.** Roof-top. Wind energy systems shall not exceed the district height limit in which they are located and shall not exceed 10 feet above the height of the roof on which the system is installed. **2.** NC-SW and VC-SW: The following limitations on maximum height apply to all wind energy systems in these districts: **a.** Roof-top. The height of roof-top wind energy systems shall not exceed a value equal to the building height when the building height is 45 feet or less. For buildings which exceed 45 feet in height, the wind energy system shall not exceed 45 feet maximum. **b.** Ground-mounted. The height of ground-mounted wind energy systems shall not exceed 45 feet as measured from the grade at the base of the equipment to the top of the system. **3.** RTI-SW and IND-SW: The following limitations on maximum height apply to all wind energy systems in these districts: **a.** Roof-top. Wind energy system height shall not exceed a value equal to 45 feet above the roof top. **b.** Ground-mounted. Ground-mounted wind energy systems shall not exceed 110 feet in height. **D.** Setbacks and Yards. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks or in any yards in these districts. **2.** NC-SW and VC-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks and are not allowed in the front yard or street-side yard between the building and the street in these districts.	*Removing out of date reference* *Removing out of date reference*

3. RTI-SW and IND-SW: Wind energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts.	*Removing out of date reference*
4.1597 Biomass Energy Standards for Springwater Districts Biomass energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay): **A.** Scale. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Small scale biomass energy systems are permitted in these districts with a Special Use Review. **2.** NC-SW and VC-SW: Small scale biomass energy systems are permitted in these districts. **3.** RTI-SW and IND-SW: Small scale biomass energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **B.** Type. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Non-hazardous biomass systems are permitted in these districts. **2.** NC-SW and VC-SW: Non-hazardous biomass systems are permitted in these districts. **3.** RTI-SW and IND-SW: Non-hazardous biomass systems are permitted in these districts. **C.** Height. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Biomass energy systems shall not exceed the maximum district height limits in these districts. **2.** NC-SW and VC-SW: Biomass energy systems shall not exceed the maximum district height limits in these districts. **3.** RTI-SW and IND-SW: Biomass energy systems shall not exceed the maximum district height limits in these districts. **D.** Setbacks and Yards. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in front or street-side yards between the building and the street, or in side yards in these districts. **2.** NC-SW and VC-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks, and are not allowed in the front or street-side yards between the building and the street in these districts.	*Update to reflect new overlay* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference*

3. RTI-SW and IND-SW: Biomass energy systems are not allowed in the required front, street-side, side or rear setbacks in these districts.	
4.1598 Geothermal Energy Standards for Springwater Districts Geothermal energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay): **A.** Scale. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Small scale geothermal energy systems are permitted in these districts. **2.** NC-SW and VC-SW: Small scale geothermal energy systems are permitted in these districts. Large scale systems are permitted with a Special Use Review. **3.** RTI-SW and IND-SW: Small or large scale geothermal energy systems are permitted. **B.** Type. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts. **2.** NC-SW and VC-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts. **3.** RTI-SW and IND-SW: Closed-loop geothermal energy systems that are not in any well field protection areas are permitted in these districts. **C.** Height. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Geothermal systems shall not exceed the maximum district height limits in these districts. **2.** NC-SW and VC-SW: Geothermal systems shall not exceed the maximum district height limits in these districts. **3.** RTI-SW and IND-SW: Geothermal systems shall not exceed the maximum district height limits in these districts. **D.** Setbacks and Yards. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating	*Update to reflect new overlay* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference*

and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections. **2.** NC-SW and VC-SW: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections. **3.** RTI-SW and IND-SW: Geothermal systems are not allowed in the required front, street-side, side or rear setbacks in these districts, except that small geothermal heating and cooling units such as heat pumps can project into the setbacks per **Section 9.0900** Projections.	*Removing out of date reference*
4.1599 Micro-Hydro Energy Standards for Springwater Districts Micro-hydro energy systems are limited in Springwater districts as follows (these standards may be restricted by 5.0700 Natural Resource Overlay): **A.** Scale. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Small scale micro-hydro energy systems are permitted in these districts. **2.** NC-SW and VC-SW: Small scale micro-hydro energy systems are permitted in these districts. **3.** RTI-SW and IND-SW: Small scale micro-hydro energy systems are permitted in these districts. **B.** Type. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts. **2.** NC-SW and VC-SW: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts. **3.** RTI-SW and IND-SW: In-pipe micro-hydro energy systems such as systems within water, stormwater or wastewater pipe are permitted in these districts. **C.** Height. **1.** VLDR-SW, LDR-SW, THR-SW ~~and ESRA-SW~~: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply.	*Update to reflect new overlay* *Removing out of date reference* *Removing out of date reference* *Removing out of date reference*

2. NC-SW and VC-SW: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply. **3.** RTI-SW and IND-SW: Generally the district height limits apply in these districts. However, in-pipe systems may exceed the district height limit as allowed for mechanical equipment. If supplemental equipment structures accompany the in-pipe systems, then the district height limit would apply. **D.** Setbacks and Yards. **1.** VLDR-SW, LDR-SW, THR-SW~~ and ESRA-SW~~: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply. **2.** NC-SW and VC-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply. **3.** RTI-SW and IND-SW: Micro-hydro energy systems contained within piping are allowed and pipe can run within the required setbacks in these districts. However, if supplemental equipment structures accompany the in-pipe systems, then the district setback limits apply.	*Removing out of date reference*

<u>Section 29</u>. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0000 Purpose and Authority is amended as follows:

Proposed Text Amendment	***Commentary***
General **5.0001 Overlay Districts** An overlay district is a special purpose district that may be combined with any land use district. The regulations of an overlay district shall be supplementary to the regulations of the underlying land use district and the regulations of the overlay district shall prevail if there is a conflict. The following are overlay districts: **1.** Floodplain Overlay District	

2. Hillside and Geologic Risk ~~Physical Constraint~~ Overlay ~~District~~ **3.** Historic and Cultural Landmarks Overlay District **4.** ~~Habitat Conservation Area Overlay District~~ Reserved **5.** Open Space Overlay District **6.** Gresham Butte Scenic View Overlay District 7. Natural Resource Overlay ***	*Updated to reflect new overlay names* *Updated to reflect new overlay names*

Section 30. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0100 Flood Plain Overlay District is amended as follows:

Proposed Text Amendment	***Commentary***
*** **Permitted Uses** **5.0110 Permitted Land Uses** Uses permitted in the Floodplain Overlay District shall be those listed as permitted in the underlying district designated for the site. Within areas of special flood hazard which are also designated as ~~Habitat Conservation Area Overlay Districts~~Hillside and Geologic Risk Overlay, Natural Resources Overlay or Open Space (OS) Overlay District~~s~~, development shall be permitted only in accordance with provisions of those special purpose districts. In Floodplain Overlay Districts within the Fairview Creek, Burlingame Creek, and Kelly Creek drainage basins, proposed developments shall demonstrate consistency with guidelines and recommendations of the master storm drain plan for that stream. In addition, any proposal for development within the Floodplain Overlay District shall be accompanied by documentation prepared by a registered civil engineer demonstrating to the satisfaction of the Manager that the development: **A.** Will not result in an increase in floodplain area on other properties; **B.** Will not reduce natural flood storage volumes; and **C.** Will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduced slope stability downstream of the development. Stream velocity following development shall no exceed findings and recommendations of the storm drainage master plan for the affected stream. ***	*Updated to reflect new overlay names*

Section 31. Volume 3, Development Code, Article 5 Overlay Districts, Section 5.0200 Hillside Physical Constraint Overlay District is amended as follows:

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

Section 32. Volume 3, Development Code, Article 5 Overlay Districts, 5.0400 Habitat Conservation Area (HCA) Overlay District is amended as follows:

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

Section 33. Volume 3, Development Code, Article 6 Land Divisions, 6.0000 Introductory Provisions is amended as follows:

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

*** **6.0302 Applicability** PD's shall be permitted for residential-only partition and subdivision developments in any of the following residential zones that permit residential development: VLDR-SW, LDR-5, LDR-7, LDR-PV, LDR-SW, TLDR and TR. Only those housing types permitted as allowed uses in each district shall be allowed in PDs. ***	*Updated to extend to all the low-density residential zones with HGRO*

Section 34. Volume 3, Development Code, Article 6 Land Divisions, Section 6.0300 Planned Developments is amended as follows:

Proposed Text Amendment	***Commentary***
General *** **6.0312 Modification of Tentative PD Plan Approval** Modification of the tentative PD plan approval shall be made under the Type II procedures unless it involves any of the following, in which case it shall be processed under the Type III procedures used for the tentative PD plan approval: **A.** An increase in the number of dwelling units approved as part of the tentative plan. **B.** A change in the mix of dwelling types. **C.** A reduction in the amount of approved open space area by 5% or more. In no case, except by Type III variance, shall the amount of land designated as open space fall below 25% of the gross land area within the PD if there is no specified Special Purpose overlay district designation; 30% of the gross land area within the PD if there is a Floodplain, Hillside ~~Physical Constraint~~and Geologic Risk Overlay, Open	*Updated to reflect new overlay names*

Space, or ~~Habitat Conservation Area Overlay District~~ Natural Resource Overlay ~~o~~verlay designation.

***

6.0321 Exception to Site Development and Zoning Standards

Exceptions to the following site development standards of the underlying land use district or applicable special purpose district provisions may be approved in accordance with this Article:

A. Design performance Standards Exemption: The Safe Neighborhood Design Performance Standards do not apply.

B. **Table 6.0321** indicates overall limits for adjusting the underlying district dimensional standards dependent upon housing type.

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

Table 6.0321 Standards Allowed for PD
Residential Units Permitted in VLDR-SW, LDR-PV, LDR-SW, LDR-5, LDR-7, TLDR and TR

	Detached Dwelling Unit	Single Family Attached Dwelling Units (multiple lots) [6]	Duplexes [7]
Standards			
Minimum Site Size	None	None	None
Minimum Lot Size	3500 s.f. (use underlying district standards for perimeter lots)	See underlying district	See underlying district
Density Range[1]	See underlying district	See underlying district	See underlying district
Maximum Number of Attached Units Per Structure	N/A	4	N/A
Minimum Lot Dimensions[2]	None	None	None

Minimum Yard Setbacks – Interior Lots	3 feet	0 feet[3]	0 feet[3]
Minimum Yard Set- backs – Perimeter Lots	See underlying district	See underlying district	See underlying district
Minimum Building Height	See underlying district	See underlying district	See underlying district
Maximum Building Height	40 feet (35 feet for perimeter lots)	45 feet or underlying district[4]	45 feet or underlying district[4]
Minimum Street Frontage	None	None	None
Minimum Lot Width/Depth Ratio	None	None	None
Maximum Lot Coverage	70%	70%	70%
Building Separation	Per Building Code	Per Building Code	Per Building Code
General Lot Utility Easements[5]	None	None	None

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

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

3 Structures with zero lot lines and/or common wall construction are subject to appropriate building and fire code standards at the time of building permit application.

4 Whichever is greater.

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

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

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

6.0322 PD Density Transfer for Sites with Hillside and Geologic Risk Overlay ~~District~~

To encourage the development of PDs in the Hillside and Geologic Risk Overlay ~~District areas~~, a density transfer shall be provided.

Updated to reflect new overlay name

Table 6.0322
PD Density For Hillside and Geologic Risk Overlay ~~District~~ Property

In areas of the lot(s) or parcel(s) that are:	Percentage of maximum density from underlying zone:
~~0% - 15% slope~~ HGRO	100%
15% - 25% slope	35%
~~25% - 35% slope~~	~~20%~~
~~35%+ slope~~ HSS	1 dwelling unit per acre*

Updated to reflect new overlay standards, definition of density, and density transfer

Updated to remove the requirement to calculate slope

~~Note: For slope calculation method, see Hillside Physical Constraint Overlay District, **Section 5.0210(A)**, Submittal Requirements – Slope and Density Map. For sites with property within the Habitat Conservation Area Overlay District, see **Section 6.0323**.~~

There is no average lot size requirement. However, the total number of dwelling units proposed for the entire PD shall be no less than 80% of the minimum allowed density on those portions of the property that have slopes less than 15% in grade with the exception of large lot PDs as provided in **Section 6.0329**. Refer to the Hillside~~s~~ and Geologic Risk Overlay ~~District~~ (**Section 5.0200**) for other applicable development standards.

Updated to reflect overlay name change

*This unit must be transferred to another portion of the ownership ~~with less than 35% slopes~~outside the HSS. No dwelling units shall be constructed on slopes ~~over 35%~~ in the HSS, except as provided under **Section 5.02~~1~~212~~(F)~~**.

Updated to reflect overlay name change

~~**6.0323** PD Density Credit for Natural Resources Overlay District Property~~

Removed and replaced by NRO density transfer (Exhibit A.3.c)

6.0324 Open Space Areas

***

B. For sites with a ~~Hillside Physical Constraint~~ Hillside and Geologic Risk Overlay, Open Space Overlay

District, or ~~Habitat Conservation Area Overlay District~~ Natural Resource Overlay designation, a minimum of 30% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. Open space that conserves steep slopes and/or natural areas shall allow limited access to preserve its natural features. *** **G.** Proposed open space areas shall be located so as to encourage the conservation of natural features and the protection of steep slopes. The following topographic features, natural resources and other features shall be mapped and identified as part of the application: **1.** Significant natural and cultural features: **a.** Water resources, streams, drainageways, ponds, lakes, fish habitat or wetlands; **b.** Historically or culturally significant sites; **c.** Ecological or scientifically significant areas, such as Hogan Cedar trees; **d.** Significant trees and significant tree groves; **e.** Land areas within the Habitat Conservation Area Overlay District; **f.** Land areas designated High Slope Subarea of the HGRO map ~~with slopes greater than 35%~~. ***	*Updated to reflect overlay name change* *Updated to reflect overlay name change*
*** **6.0329 Additional Standards for Large Lot PDs** **A.** Large Lot PDs are not limited to just areas covered by ~~Physical Constraint Districts~~ Overlays. In case of conflicts in standards, the more restrictive standards shall apply, with the exception of **subsection (D)** below, which applies in any case. **B.** When clustering and/or attached housing are not proposed and site grading will not exceed the ~~3~~5% of site limit (if Hillside and Geologic Risk Overlay) as per **Section 5.02~~23~~**10(B), the open space designation requirement is not required for Large Lot PDs. However, buffering or transition measures for compatibility purposes may be required by the review body for portions of Large Lot PDs, whether in Hillside and Geologic Risk Overlay ~~areas~~ or not, adjoining other developed areas. **C.** A minimum site size of 2 acres is required for establishment of a Large Lot PD.	*Updated to reflect overlay changes* *Updated to reflect overlay name change*

D. Large Lot PDs are not required to comply with minimum density or maximum lot size standards. Large Lot PDs shall, however, have a minimum average lot size that is the same or greater than at least twice the minimum density standard of the primary land use district where proposed. For example, the minimum average lot size in LDR-5 for a Large Lot PD would be 14,000 square feet per lot and in TLDR it would be 8,712 square feet per lot. **E.** All PD requirements (except as authorized above) are still in effect for Large Lot PDs.	

<u>Section 35</u>. Volume 3, Development Code, Article 8 Land Use Districts and Plan Districts, Section 8.0300 Institutional Master Plans is amended as follows:

Proposed Text Amendment	***Commentary***
8.0303 Review of Institutional Master Plans *** **C.** Other reviews. The Institutional Master Plan review may integrate the following review processes: **1.** Determination of allowed uses; and **2.** Design review regarding relevant site design elements such as building footprints, landscape areas and parking lot areas. This shall not include building and landscape design; and **3.** Modifications and variances~~, including modifications of Environmentally Sensitive/Restoration Areas or Habitat Conservation Area~~; and **4.** Modifications of conditions of approval on previously approved existing buildings that involve relevant use or site design elements; and **5.** Other reviews appropriate for the institutional master plan as determined by the Manager. Reviews that require City Council decisions shall receive those decisions separate from the institutional master plan review. ***	*Updated to remove redundancy*
*** **8.0306 Review of Subsequent Developments** **A.** Subsequent developments shall be reviewed for their consistency with the approved mater plan and shall undergo all relevant reviews as listed in **Section 11.0204** of the Development Code, except reviews already completed as part of the institutional master plan approval. These reviews shall be for	

standards not already approved as part of the institutional master plan approval and shall use the latest Development Code standards, including applicable requirements of **Appendix 5.000 – Public Facilities Standards**. The review shall consider the latest standards related to natural resources, resource delineations and overlay districts, including but not limited to standards for Natural Resource Overlay~~Habitat Conservation Areas, Environmentally Sensitive Resource Areas~~ and the Floodplain Overlay District. **B.** Subsequent development phases may be implemented in a different order than originally proposed in the institutional master plan phasing as long as the development remains in compliance with Development Code standards, such as those involving parking, landscape area required, stormwater treatment and similar standards. ***	*Updated to reflect overlay name change*

Section 36. Volume 3, Development Code, Article 9 Common Requirements Section 9.1000 Tree Regulations is amended as follows:

Proposed Text Amendment	***Commentary***
9.1010 General *** **9.1012 Applicability** All land within the city of Gresham is subject to the Tree Protection, Removal and Replacement regulations of **Section 9.1000**. **A.** Within the Hillside and Geologic Risk Overlay and the Natural Resource Overlay regulations regarding trees are as specified in Sections 5.0200 and 5.0700 respectively. This section applies within those overlays when specified in the overlay code. **B.** ~~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.~~	*Updated to reflect the decoupling of the tree code from the overlays*

*** **9.1013 Exemptions** **A.** Removal of Regulated Trees will require either a Type I or Type II Tree Removal Permit, or a tree removal exemption form. Removal of Regulated Trees (not Required Trees) are exempt from a tree removal permit requirement under the conditions listed below: **1.** A tree removal exemption form is required to be filed with the Manager; and **2.** The Regulated Trees are not subject to conditions of approval from a previous development permit; and **3.** The Regulated Trees are not in ~~an overlay district~~ the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District; and **4.** The Regulated Trees are not designated as Significant Trees; and **5.** The number of Regulated Trees removed does not exceed the following thresholds per 12-month period from the time a tree removal exemption form or Tree Removal 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. *** **9.1014 Tree Types: Required, Regulated, Significant** Definitions and illustrations of common tree types are provided below for reference, see **Section 3.0103** for the full list of tree definitions. *** **B. Regulated Trees** **Definition of 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~~ the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District. Regulated Trees are not Required or Significant Trees.	*Updated to improve specificity of reference* *Updated to improve specificity of reference*

***	
9.1020 Trees: Existing Development *** **F.** ~~Trees in Overlay Districts.~~ Tree Removals in the Floodplain Overlay District or the Gresham Butte Scenic View District~~a Special Purpose Overlay District~~ shall meet the standards of the applicable overlay district(s) and the following standards: **1.** ~~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.~~ **2.** Required Trees. Street Trees, Buffer Trees, Landscape Trees, and Parking Lot Trees may be removed in accordance with **Section 9.1021(A)** but shall be replaced when applicable in accordance with **Section 9.1022**. **3.** For Regulated Trees: **a.** Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborist report is not	*Updated to improve specificity of reference*

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 a Certified 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 9.1032(E)**, and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts~~, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading~~. **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 9.1021(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~~. **4.** Significant Trees. Significant Trees may be removed in accordance with **Section 9.1056.** ***	*Updated to remove references to NRO and HGRO*
9.1030 Trees: During Development *** **9.1032 Tree Removal: During Development** **A.** ~~All tree removal that would result in clear cutting on slopes in excess of 15 percent within the Hillside~~	

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

3. The Manager may require a proposed structure to be relocated to retain trees if the relocation can be accomplished within the required setbacks and without increasing costs to the proposed development by more than 2 percent of the total improvement value, excluding land cost. **4.** Any required mitigation shall be guaranteed prior to issuance of a grading permit for any portion of the site. **5.** The Manager may require a mitigation plan or wind throw assessment to be provided by a Certified Arborist or a registered landscape architect. **6.** Other Uses. **a.** Health reasons to remove a Required Tree include: **i.** The tree shows an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life. **ii.** The tree is infested with pests or disease that left untreated can lead to death. **iii.** The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. **b.** Non-Health reasons to remove a Required Tree include: **i.** The tree blocks vision for motorists. **ii.** The tree causes sidewalk upheaval. **iii.** There is a crime prevention concern associated with the Required Tree that cannot be ameliorated with proper pruning techniques. **iv.** The tree interferes with right-of-way objects, such as driveways and light poles. **v.** The tree presents a potential hazard for property or people. **vi.** Other reason as approved by the Manager. ***	
G. Tree removal in <u>the Floodplain Overlay District or the Gresham Butte Scenic View Overlay District</u> ~~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	*Updated to improve specificity of reference*

in accordance with **Subsection 9.1032(C)** and shall be replaced when applicable in accordance with **Section 9.1033**; and **2.** Significant Trees may be removed in accordance with **Section 9.1056**; and **3.** For Regulated Trees: **a.** Up to three non-native or invasive trees may be removed per 12-month period, with the start of the 12-month period defined by the issuance of the permit to remove the first tree. This tree removal shall be reviewed under a Type I procedure, and an arborist report is not required. Non-native and invasive trees are identified on the official City Invasive Species List; and **b.** Removal of more than three non-native or invasive trees, as shown on the official City Invasive Species List, per 12-month period from the time a permit is issued shall require a Certified Arborist report and be reviewed under a Type II procedure; and **c.** Removal of native and non-hazardous trees shall be reviewed under a Type II procedure; and **d.** Removal of Regulated Trees not specifically allowed as a Type I procedure shall follow a Type II procedure; and **e.** Type II tree removals shall meet the standards of **Section 9.1032(E**), and applicants shall provide a mitigation/revegetation plan prepared at the expense of the applicant and approved by the Manager that accomplishes the purpose of the applicable overlay district or districts, such as slope stabilization, habitat provision and/or environmental benefits such as stream shading; and **f.** Removal of native or non-native trees that are determined to be hazardous or causing property damage must follow the procedures outlined in **Section 9.1021(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 o~~r 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 locate d within the Hillside Physical Constraint Overlay District~~.	*Updated to remove references to NRO and HGRO*

Section 37. Volume 3, Development Code, Article 10 Supplementary Development Regulations, Section 10.0900 Renewable Energy is amended as follows:

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

Section 38. Volume 3, Development Code, Article 11 Procedures, Section 11.0100 Development Permit Requirements is amended as follows:

Proposed Text Amendment	*Commentary*
11.0100 Development Permit Requirements *** **11.0102 Exclusions from Development Permit** The following activities do not require a Development Permit except as noted. **A.** Landscaping not involving a structure. Landscaping does not include the paving of a parking lot. Landscaping in the Floodplain Overlay District and ~~Habitat Conservation Area~~ Natural Resource Overlay ~~Districts~~ may require a development permit, as described in **Section 5.0100** and **Section ~~5.0400~~ 5.0700.**	*Updated to reflect new overlays*

B.	An internal change to a building or other structure that does not substantially affect the use of the building or structure or a sign that does not require design review approval;	
C.	An emergency measure necessary for the immediate safety of persons or protection of property. In such circumstances, the property owner must notify the City of the activity within 5 calendar days. An application or pre-application request (as appropriate) for a Development Permit shall be filed within 30 calendar days~~promptly~~ if the action otherwise would require a Development Permit but for the emergency. Any required application must be obtained within 1 year of the action.	*Updated to include enforceable timelines for retroactive permitting*
D.	The following activities do not require a Development Permit, except in the Floodplain Overlay District and ~~Habitat Conservation Area~~ Natural Resource Overlay ~~Districts~~.	*Updated to reflect new overlays*
	1. Erection of a tent or similar portable structure for non-commercial use not exceeding 10 days.	
	2. Expansion or continuation of an existing farming operation.	
	3. An alteration that does not substantially affect the use or appearance of land or a structure.	
	4. A helicopter landing facility when established for the support of an emergency in progress or when established for the occasional demonstration and/or training of emergency service operations.	
	5. A modular unit or trailer used as a construction office on a job site during construction activities that is removed before final occupancy is approved for the project.	
	6. Commercial structures of under 200 square feet not visible from a public place.	
E.	The following activities do not require a Development Permit, except in the ~~Habitat Conservation Area,~~ Floodplain Overlay District, Hillside and Geologic Risk Overlay, and Natural Resource Overlay ~~Districts~~, ~~Hillside Physical Constraint Overlay District, Environmentally Sensitive/Restoration Area – Pleasant Valley (ESRA-PV), and Environmentally Sensitive Resource Area – Springwater (ESRA-SW)~~:	*Updated to reflect new overlays*
	1. The establishment, construction, maintenance, or termination of minor basic utilities and the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas lines, communication and data lines, and telephone and television cable lines; and public paths and trails which are identified in the Gresham Community Development Plan as a transportation facility, constructed by a public agency, and are within a public right-of-way or a public access easement.	
	2. Construction, maintenance, or demolition of an accessory structure that does not require a	

building permit. **3.** Excavation or filling of land not exceeding 50 cubic yards within any 1 year period and the following activities: **a.** Excavations below finish grade for basements and footings of a building, retaining walls **b.** Cemetery graves **c.** Excavations for wells, tunnels, or utilities **d.** Exploratory excavations under the direction of a soils engineer or engineering geologist **e.** An excavation which is less than 2 feet in depth or which does not create a cut slope greater than 5 feet in height and steeper than 2 horizontal to 1 vertical **f.** A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical; or less than 3 feet in depth, not to exceed 50 cubic yards on any one lot and does not obstruct a drainage course **g.** Grading for a parcel that conforms to an approved grading plan ***	

Section 39. Volume 3, Development Code, Article 11 Procedures, Section 11.0200 Initiation and Classification of Applications is amended as follows:

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

Section 40. Volume 3, Development Code, Article 12 Map Amendments, Section 12.0000 Plan Map Amendments and Amendments to Map Boundaries is amended as follows:

Proposed Text Amendment	***Commentary***
Overlay Districts	

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

First reading: _____

Second reading and passed: _____

Yes: _____

No: _____

Absent: _____

Abstain: _____

_____
Eric Schmidt
Interim City Manager

_____
Karylinn Echols
Mayor

Approved as to Form:

_____
Kevin R. McConnell
City Attorney

ARTICLE 3 GENERAL TERMS
SECTION 3.0100 DEFINITIONS

3.0101 General Provisions

The purpose of Definitions is to define terms that are used frequently in the City of Gresham Development Code (Code) and to assist decision makers in interpreting and applying the Code. Those words used in the Community Development Code, shall be subject to the generally accepted dictionary definitions, unless otherwise noted in **Section 3.0100.** Those words listed in **Section 3.0100** shall be subject to those definitions provided, unless the context clearly implies differently. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control. Terms not defined here shall have their ordinary accepted meaning as identified in the latest edition of Webster's Dictionary of the English Language.

As used in this ordinance, "shall" and "must" are mandatory. "May" and "should" are permissive.

3.0102 List of Terms

Terms used in the Development Code are presented below. General terms that apply throughout the Code are listed in **Section 3.0102**. Terms that are specific to a Development Code section are listed after the General Terms. These categories are:

A. ~~Habitat Conservation Area~~ Article 5 Terms and Definitions. **Section 3.0120**

~~**B. HCA, ESRA, Floodplain and Article 5 Terms and Definitions. Section 3.0130**~~

~~**C**~~**B.** Renewable Energy Related Terms and Definitions. **Section 3.0140**

~~**D**~~**C.** Tree Related Terms and Definitions. **Section 3.0150**

~~**E**~~**D.** Temporary, Intermittent and Interim Uses Terms and Definitions. **Section 3.0160**

If a term is defined in both the General Definitions and in a Section-specific category, the Section-specific definition shall be used if the application of the term is within the parameters of the Code Section.

General Terms

A-Board Sign – *See Signs*
Abandoned Sign – *See Signs*
Abut
Access
Access Aisle
Accessory Dwelling – *see Dwelling Unit*
Accessory Structure – *see Structure, Accessory*
Accessory Use – *see Use, Accessory*
Accessway
Acreage, Net
Adjacent
Adjustments
Affordable Housing – *See Housing, Affordable*
Agriculture
Alteration
Alteration, Structural
Amateur ("Ham") Radio
Amenity Zone
Ancillary Dwelling – *see Dwelling Unit*
Animated Sign – *See Signs*
Antenna
Antenna Support Structure
Apartment
Applicant
Application, Qualifying
Aquatic Habitat – *See ~~HCA, ESRA,~~ Article 5 Definitions, **Section 3.013~~0~~20***
Arboriculture
Arborist
- Certified Arborist
- Consulting Arborist

Arcade
Archaeological Object
Archaeological Site
Archaeologist
Area of Shallow Flooding
Area of Special Flood Hazard
~~Areal Cover – *See HCA, ESRA, Article 5 Definitions, **Section 3.0130***~~
Approved Tree List
Assisted Living Housing – *See Elderly Housing*
Attached Dwelling – *see Dwelling Unit*
Awning
Awning Sign – *See Signs*
Balcony
Balloon Sign – *See Signs*
Balustrade
Banner Sign – *See Signs*
Base – *See Façade*
Baseline
Basement
Battery Charging Station – *See Renewable Energy Related Definitions, **Section 3.0140***
Battery Charging Unit – *See Renewable Energy Related Definitions, **Section 3.0140***
Battery Exchange Station – *See Renewable Energy Related Definitions, **Section 3.0140***
Bay (building façade)
Bed and Breakfast Inn
Belt Course
Bench Sign – *See Signs*
Berm
Biogas – *See Renewable Energy Related Definitions, **Section 3.0140***
Blade – *See Renewable Energy Related Definitions, **Section 3.0140***
Block
Boarding House
Buffer Area
Buffer Tree – *See Tree*
Building
Building Area of Building Envelope
Building Code
Building Code Accessible
Building, Contiguous
Building Coverage
Building Footprint
Building Height
Building Line
Building Massing – *See Massing, Building*
Building Modulation – *See Modulation, Building*
Building Site – *See Habitat Conservation Area Definitions, **Section 3.0120***
Bulkhead
Butterfly Roof – *See Roof*
Canopy
Carpool/Vanpool Parking
Carport
Ceiling Height
Centralized Stormwater Management Facilities
Certified Arborist – *See Arborist*
Certified Engineering Geologist - *See Article 5 Definitions, **Section 3.0120***
Certified Child Care Facility
Change of Use – *See Use, Change of*
Children's Play Equipment
Circulation Path
Citizen Band (CB) Radio
City
Civic Neighborhood Design District – *See Design District*
Clear Cutting – *See Tree Related Definitions, **Section 3.0150***
Clear Vision Area
Clearing
Co-locate
Commercial Development
Common Wall
Community Garden
Composting Facility
Comprehensive Plan – *See Gresham Community Development Plan*
Condominium
Condominium Unit
Condominium Conversion
Congregate Housing – *See Elderly Housing*
Construction Contractor
Consulting Arborist – *See Arborist*
Continuing Care Retirement Community – *See Elderly Housing*
Corner Lot – *See Lot*
Cornice
Corridor Design District – *See Design District*
Court
Courtyard
Courtyard Development

Coarse Woody Debris - *See Article 5 Definitions,* ***Section 3.0120***
Critical Root Zone – *See Tree Related Definitions,* ***Section 3.0150***
Crosswalk
Crown Cover – *See Tree Related Definitions,* ***Section 3.0150***
Curb Cut
Curb Ramp
Customer
Dangerous Tree - *See Article 5 Definitions,* ***Section 3.0120***
Dead Tree – *See Tree*
Dead-End Street
Deciduous
Deciduous Tree – *See Tree*
Deck
Dedication
Density
Density, Net
Density Rounding
Design District
- Civic Neighborhood Design District
- Corridor Design District
- Downtown Design District
- Pleasant Valley Design District
- Rockwood Design District
- Springwater Design District

Design Guidelines
Design Principles
Design Standards
Design Storm
Design Streets
Detention
Development
Developable Area - *See Article 5 Definitions,* ***Section 3.0120***
Disturbance Area- *See Article 5 Definitions,* ***Section 3.0120***
~~Development Areas not Providing Vegetative Cover – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
~~Developed Flood Area – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Development Permit
Development Site
Diameter Breast Height – *See Tree Related Definitions,* ***Section 3.0150***
Digital Flood Insurance Rate Map (DFIRM)
Direct Illumination Sign – *See Signs*
Directional Sign – *See Signs*
Directional Signs, Institutional Campus – *See Signs*
District
~~Disturb – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Disturbance Area – *See Habitat Conservation Area Definitions,* ***Section 3.0120***
Double Frontage Lot – *See Lot*
Downtown Design District – *See Design District*
Dripline – *See Tree Related Definitions,* ***Section 3.0150***
Drive-through Use
Driveway
Driveway Approach
Driveway, Shared
Dwelling Unit
- Accessory Dwelling
- Attached Dwelling
- Duplex
- Single Family Dwelling
  - Single Family Attached Dwelling
  - Single Family Detached Dwelling
- Temporary Health Hardship Dwelling

Easement
Easement, General Utility
Easement, Public Access
Eco-Roof
~~Ecological Features – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Ecological Functions– *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~0~~20***
~~Effective Impervious Area – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Elderly Housing
- Assisted Living Housing
- Congregate Housing
- Continuing Care Retirement Community
- Immediate Care Facility
- Retirement Housing
- Skilled Nursing Facility (Nursing Home)

Electric Vehicle – *See Renewable Energy Related Definitions,* ***Section 3.0140***
Electric Vehicle Charging Station – *See Renewable Energy Related Definitions,* ***Section 3.0140***
Electric Vehicle Charging Unit – *See Renewable Energy Related Definitions,* ***Section 3.0140***
Electrical Generating Facility
Electronic Message Center Sign – *See Signs*
Elevated Building
Environmental Technical Guidance Manual - *See Article 5 Definitions,* ***Section 3.0120***
~~Emergency – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Emissivity or Emittance
Employees
~~Engineer – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
~~Enhancement – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Entry
Entry, Primary
Erosion
Erosion and Sediment Control
Erosion Prevention and Sediment Control Manual
Erosion Prevention and Sediment Control Plan
Evergreen
Evergreen Tree – *See Tree*
Exit
Façade
- Base
- Top
- Prominent Façade Sections

Face of a Building
Face Sign – *See Signs*
Family
Fascia Sign – *See Signs*

Fast Food Service
Fence
Fill – *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~0~~20***
Findings
Fin Sign – *See Signs*
Flag Lot – *See Lot*
Flag Pole – *See Lot*
Flap Sign – *See Signs*
Flashing Illumination Sign – *See Signs*
Fleet Vehicle – *See Motor Vehicle*
Flood or Flooding
Flood Areas – *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~0~~20***
Flood, Base
Flood Insurance Rate Map (FIRM)
Flood Insurance Study
Flood Management Areas – *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~0~~20***
Flood Prone
Floodplain
Floor Area
Floor Area Ratio
Food and Beverage Carts
Fore-Court
~~Forest Canopy – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Forestry Stewardship Council (FSC) Rating
Free-Standing Sign – *See Signs*
Front Lot Line - *See Lot Line*
Front Yard – *See Yard*
Frontage
Future Street Plan
Gable Roof – *See Roof*
Galleria
Garage
~~Geologist, Registered~~
Geotechnical Engineer - *See Article 5 Definitions,* ***Section 3.0120***
Grade
Green Development Practices
Green Street
Gresham Community Development Plan, or Community Development Plan
Gresham Development Plan Map
Gresham Public Works Standards
Grocery Store
Ground Floor
Groundcover
Grubbing
Habitable Floor
~~Habitat Conservation Area or HCA – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
~~Habitat Friendly Development – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Habitat Tree – *See Tree*
Hazardous Tree – *See Tree*
Height Transition Area
Helicopter Trip
High Slope Subarea - *See Article 5 Definitions,* ***Section 3.0120***
High Value Resource Area - *See Article 5 Definitions,* ***Section 3.0120***
Hipped Roof – *See Roof*
Historic and Cultural Landmark
- Class 1 Historic and Cultural Landmarks
- Class 2 Historic and Cultural Landmarks

Hogan Cedar Tree – *See Tree*
Home Occupation
Hotel
Housing, Affordable
Housing, Needed
Hydrological Unit Codes - *See Article 5 Definitions,* ***Section 3.0120***
Illumination Awning Sign – *See Signs*
Immediate Care Facility – *See Elderly Housing*
Imminent Hazard Tree – *See Tree*
Indirect Illumination Sign – *See Signs*
Infiltration or Stormwater Infiltration
Installation Sign – *See Signs*
Institutional Campus
Institutional Master Plan
Intent
Interior Lot – *See Lot*
~~Intermittent Stream – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Internal Illumination Sign – *See Signs*
Internal Signs, Institutional Campus – *See Signs*
Invasive ~~Non-Native or Noxious~~ Vegetation *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~0~~20***
Irregular Shaped Lot – *See Lot*
Joint Development
Kitchen
Laboratories/Research and Development Facilities
Land Division
Landing
Landscape Tree – *See Tree*
Landscaping
- Parking Area Landscaping

Landslide - *See Article 5 Definitions,* ***Section 3.0120***
LEED ™
Legal Description of Property Description
Level of Service (LOS)
Light Cut-off
Liner Space
Lintel
Local Review
Lot
- Corner Lot
- Double Frontage Lot
- Flag Lot
- Flag Pole
- Interior Lot
- Irregular Shaped Lot
- Rectilinear Lot
- Subdivision Lot

Lot Depth
Lot Line
- Front Lot Line
- Northern Lot Line
- Rear Lot Line
- Side Lot Line
- Zero-lot Line

Lot Line Adjustment
Lot of Record
Lot Width
~~Low Structure Vegetation or Open Soils – *See Habitat*~~

~~*Conservation Area Definitions, **Section 3.0120***~~
Lowest Floor
Maintain
Major Tree – *See Tree*
Maintenance Sign – *See Signs*
Manager
Mansard Roof – *See Roof*
Mansard Wall Sign – *See Signs*
Manufactured Dwelling
Manufactured Home Park/Subdivision
Marijuana Business
Market Area
Marquee Sign – *See Signs*
Massing, Building
Master Plan
Medallion
Micro/Mini Wireless Communication Facility (WCF)
Mitigation – *See ~~HCA, ESRA,~~ Article 5 Definitions, **Section 3.013~~0~~20***
Mixed Use Development
Model Home
Modulation, Building
- Horizontal Modulation
- Vertical Modulation

Monument Sign – *See Signs*
Motor Vehicle
- Fleet Vehicle
- Passenger Vehicle
- Truck

Moving Parks Sign – *See Signs*
Mulch
Mullion – *See Window Mullion*
Munton
Mural
Multi-Business Complex Sign – *See Signs*
Multi-family Structure
Native Tree – *See Tree*
Native Vegetation ~~or Native Plant~~ – *See ~~HCA, ESRA,~~ Article 5 Definitions, **Section 3.013~~0~~20***
Natural State
Needed Housing – *See Housing, Needed*
New Construction
Nonconforming Development
Nonconforming Sign – *See Signs*
Nonconforming Use
Non-Native Tree – *See Tree*
~~Non-Woody Vegetation – *See HCA, ESRA, Article 5 Definitions, **Section 3.0130***~~
Northern Lot Line- *See Lot Line*
Nuisance
Occupied Space
Offices
On-Site Directional Sign – *See Signs*
On-Site Stormwater Management
~~Open Space – *See Habitat Conservation Area Definitions, **Section 3.0120***~~
Ordinary High Water Mark - *See Article 5 Definitions, **Section 3.0120***
Ornamental Tree – *See Tree*
Other Waters - *See-Article 5 Definitions, **Section 3.0120***
Outdoor Advertising Sign – *See Signs*
Outdoor Area
Outdoor Sales Display
Outdoor Storage
Owner
Painted Highlights Sign – *See Signs*
Painted Wall Decoration Sign – *See Signs*
Painted Wall Sign – *See Signs*
Parapet or Parapet Wall
Parcel
Parking Lot Tree – *See Tree*
Partition Parcel
Parent Parcel or Parent Lot
Park and Ride Facility
Parking Lots
Parking Module
Parking Space
Parking Structure
Partition land
Passenger Vehicle – *See Motor Vehicle*
Pedestrian facilities
Pennant Sign – *See Signs*
Perennial (or Perennial Plant)
~~Perennial Streams – *See HCA, ESRA, Article 5 Definitions, **Section 3.0130***~~
Perimeter Tree – *See Tree*
Permanent Disturbance Area - *See Article 5 Definitions, **Section 3.0120***
Permanent Sign – *See Signs*
Person
Pervious (Porous) Pavement
Phased Development Project
Photovoltaic Panel – *See Renewable Energy Related Definitions, **Section 3.0140***
Planned Development
Planter Strip
Plat
Plaza
Pleasant Valley Design District – *See Design District*
Plinth
Porch
Portable Sign – *See Signs*
Portico
Potential Resource Area - *See Article 5 Definitions, **Section 3.0120***
Premises
Practicable – *See ~~Habitat Conservation Area~~ See Article 5 Definitions, **Section 3.0120***
Primary Building Entrance/Entry
Primary Feeder Line
Principal Building
Principal Use, Primary Use
Private Public Property Interface - *See Article 5 Definitions, **Section 3.0120***
Project
Projecting Sign – *See Signs*
Pruning – *See Tree Related Definitions, **Section 3.0150***
Public Community Park
Public Neighborhood Park
Public Path
Public Open Space
Public Place
Public Trail
Public Trail Access Points
Public Trailheads
Public Urban Plaza
Public Use Areas
Qualified Arborist – *See Arborist*
Qualifying Application – *See Application, Qualifying*
Radio

Radio Frequency (RF) Energy
Radio Frequency (RF) Facility
Rain Garden
Readerboard Sign – *See Signs*
Rear Lot Line- *See Lot Line*
Rear Yard – *See Yard*
Receive-only Antenna
Rectilinear Lot – *See Lot*
Redemption Center
Redevelopment
Reflectivity or Reflectance
Registered Child Care Facility
Registered Consulting Arborist – *See Arborist*
Regulated Tree – *See Tree*
Regulatory Floodway
Remodel
Renewable Energy Systems - *See Renewable Energy Related Definitions,* ***Section 3.0140***
Rental Unit
Repair Sign – *See Signs*
Required Tree – *See Tree*
Reservation Line
Residentially Designated Land
Restaurant
Restoration – *See ~~HCA, ESRA, Article 5 Definitions,~~* ***Section 3.013~~0~~20***
Retirement Housing – *See Elderly Housing*
Revegetation
Right-of-Way
Riparian – *See ~~Habitat Conservation Area~~ Article 5 Definitions,* ***Section 3.0120***
Rockwood Design District – *See Design District*
Roof
- Butterfly Roof
- Gable Roof
- Hipped Roof
- Mansard Roof
- Shed Roof

Roof Sign – *See Signs*
Roof Line Sign – *See Signs*
Rotating Sign – *See Signs*
Routine Repair and Maintenance – *See ~~Habitat Conservation Area~~ Article 5 Definitions,* ***Section 3.0120***
Same Ownership
Scoring
School, Commercial
Service Station
~~Sensitive Species – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Setback
~~Setback Adjustment – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Severe Crown Reduction– *See Tree Related Definitions,* ***Section 3.0150***
Shade Tree – *See Tree*
Shed Roof – *See Roof*
Shelter
Shrub
Side Lot Line - *See Lot Line*
Sidewalk
Side Yard – *See Yard*
~~Significant Negative Impact – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Significant Tree, Significant Grove – *See Tree*
Signs
- A-Board Sign
- Abandoned Sign
- Animated Sign
- Awning Sign
- Illuminated Awning Sign
- Balloon Sign
- Banner Sign
- Bench Sign
- Direct Illumination Sign
- Directional Sign
- Directional Signs, Institutional Campus
- Electronic Message Center Sign
- Face Sign
- Fascia Sign
- Fin Sign
- Flap Sign
- Flashing Illumination Sign
- Free-Standing Sign
- Indirect Illumination Sign
- Installation Sign
- Internal Illumination Sign
- Internal Signs, Institutional Campus
- Maintenance Sign
- Mansard Wall Sign
- Marquee Sign
- Monument Sign
- Moving Parks Sign
- Multi-Business Complex Sign
- Nonconforming Sign
- On-Site Directory Sign
- Outdoor Advertising Sign
- Painted Highlights Sign
- Painted Wall Decoration Sign
- Painted Wall Sign
- Pennant Sign
- Permanent Sign
- Portable Sign
- Projecting Sign
- Readerboard Sign
- Repair Sign
- Roof Sign
- Roof Line Sign
- Rotating Sign
- Special Event Banner Sign
- Structural Alteration Sign
- Structure Sign
- Temporary Lawn Sign
- Temporary Rigid Sign
- Temporary Sign
- Under Marquee Sign
- Unsafe Sign
- Wind Sign
- Window Sign, Inside
- Window Sign, Outside

Single Family Dwelling – *See Dwelling Unit*
Single Family Attached Dwelling – *See Dwelling Unit*
Single Family Detached Dwelling – *See Dwelling Unit*
Single-Loaded Street
Site
Site Plan
Site Tree – *See Tree*
Skilled Nursing Facility – *See Elderly Housing*
Slope, Cross
Slope, Running
Solar Electric System – *See Renewable Energy Related Definitions,* ***Section 3.0140***
Solar Reflective Index (SRI) – *See Renewable Energy Related Definitions,* ***Section 3.0140***

Solar Water Heating System - *See Renewable Energy Related Definitions,* ***Section 3.0140***
Spandrel Glass
Special Event Banner Sign – *See Signs*
Springwater Design District – *See Design District*
Stand - *See Tree Related Definitions,* ***Section 3.0150***
Start of Construction
~~Steep Slopes – *See Habitat Conservation Area Definitions,* ***Section 3.0120***~~
Storefront Window
Stormwater Filtration
Stormwater Management Manual
Stormwater Planter
Stormwater Report
Stormwater Runoff
Stormwater Treatment
Stormwater Treatment Facility
Story
Story, First
Stream – *See* ~~*HCA, ESRA,*~~ *Article 5 Definitions,* ***Section 3.013020***
Street, Road or Highway
Street Tree – *See Tree*
Structural Alteration Sign – *See Signs*
Structural Sign – *See Signs*
Structural Soil
Structure
Structure, Accessory
Stucco
Subdivide Land
Subdivision Lot – *See Lot*
Substantial Damage
Substantial Improvement
Sun Screen/Sun Shade
Temporary Disturbance Area- *See Article 5 Definitions,* ***Section 3.0120***
Temporary Health Hardship Dwelling – *See Dwelling Unit*
Temporary Lawn Sign – *See Signs*
Temporary Rigid Sign – *See Signs*
Temporary Sign – *See Signs*
Tenant
Tentative Plan
Theme Park
Title 3 Wetland - *See Article 5 Definitions,* ***Section 3.0120***
Top – *See Façade*
~~Top of Bank – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***~~
Townhouse
Tract
Transit Facility
Transit Streets and Routes
Transit Supportive Use
Transitional Housing
Transitional Setback Space
Transitway
Transom Window
Transportation Facility
Tree
- Buffer Tree
- Canopy Tree – *See Shade Tree*

Dangerous Tree - *See Article 5 Definitions,* ***Section 3.0120***
- Dead Tree
- Deciduous Tree
- Evergreen Tree
- Habitat Tree
- Hazardous Tree
- Hogan Cedar Tree
- Imminent Hazard Tree
- Landscape Tree
- Major Tree
- Native Tree
- Non-Native Tree
- Ornamental Tree
- Parking Lot Tree
- Perimeter Tree
- Regulated Tree
- Required Tree
- Shade Tree
- Significant Tree, Significant Grove
- Site Tree
- Street Tree
- Tree Caliper
- Tree Head Height

Tree Caliper – *See Tree*
Tree Head Height – *See Tree*
Tree Protection Plan – *See Tree Related Definitions,* ***Section 3.0150***
Tree Removal– *See Tree Related Definitions,* ***Section 3.0150***
Tree Survey– *See Tree Related Definitions,* ***Section 3.0150***
Tree Topping– *See Tree Related Definitions,* ***Section 3.0150***
Tree Well - – *See Tree Related Definitions,* ***Section 3.0150***
Truck – *See Motor Vehicle*
Underground Injection Control System
Under Marquee Sign – *See Signs*
Undevelopable Area
Unsafe Sign – *See Signs*
Urban Development Value – *See Habitat Conservation Area Definitions,* ***Section 3.0120***
Urban Services
Use, Accessory
Use, Change of
Utility Facilities – *See Habitat Conservation Area Definitions,* ***Section 3.0120***
Variance
Vehicle, Recreation
Vehicle Repair
Vehicle Sales and/or Rental Lot
Vehicular Way
Visible
Visible Transmittance
Walk, or Walkway
Wall
Water Dependent – *See Habitat Conservation Area Definitions,* ***Section 3.0120***
Water Feature – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***
Water Quality Resource Area – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***
Waters of the State – *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***
Watershed– *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130***
Wet Weather Season
Wetland
Wind Sign – *See Signs*
Window Mullion
Window Sign, Inside – *See Signs*
Window Sign, Outside – *See Signs*
Wireless Communication

Facility Tower or WCF Tower
~~Wood Vegetation – *See HCA, ESRA, Article 5 Definitions, **Section 3.0130***~~
~~Wood Vegetation Area – *See HCA, ESRA, Article 5 Definitions, **Section 3.0130***~~
Woody Debris - *See Article 5 Definitions, **Section 3.0120***
Woody Debris Stockpiling - *See Article 5 Definitions, **Section 3.0120***
Xeriscaping
Yard
- Front Yard
- Rear Yard
- Side Yard

Zero Lot Line- *See Lot Line*

~~Habitat Conservation Area Terms~~

- ~~Building Footprint~~
- ~~Building Site~~
- ~~Developed Areas not Providing Vegetative Cover~~
- ~~Developed Flood Area~~
- ~~Disturb~~
- ~~Disturbance Area~~
- ~~Effective Impervious Area~~
- ~~Habitat Conservation Area or HCA~~
- ~~Low Structure Vegetation or Open Soils~~
- ~~Open Space~~
- ~~Practicable~~
- ~~Riparian~~
  - ~~Class I Riparian Area~~
  - ~~Class II Riparian Area~~
- ~~Routine Repair and Maintenance~~
- ~~Setback Adjustment~~
- ~~Significant Negative Impact~~
- ~~Steep Slopes~~
- ~~Urban Development Value~~
- ~~Utility Facilities~~
- ~~Water dependent~~

~~HCA, ESRA, Floodplain and~~ Article 5 Terms

- Appeals
- ~~Aquatic Habitat~~
- ~~Areal Cover~~
- Basement
- Below-Grade Crawl Spaces
- Building Footprint
- Certified Engineering Geologist
- Critical Facility
- Development
- Developable Area
- Disturbance Area
  - Permanent Disturbance Area
  - Temporary Disturbance Area
- ~~Ecological Features (or Features)~~
- Ecological Functions (or Functions)
- ~~Emergency~~
- ~~Engineer~~
- ~~Enhancement~~
- Environmental Technical Guidance Manual
- Fill
- Flood Areas
- Flood Management Areas
- Floodplain
- ~~Forest Canopy~~
- Geotechnical Engineer
- ~~Habitat-friendly Development~~
- High Slope Subarea
- High Value Resource Area
- Hydrologic Unit Codes
- ~~Intermittent Streams~~
- Invasive ~~Non-native or Noxious~~ Vegetation
- Landslide
- Mitigation
- Native Vegetation ~~or Native Plant~~
- ~~Non-Woody Vegetation (Herbaceous Plants)~~
- Ordinary High Water Mark
- Other Waters
- Potential Resource Area
- Private Public Property Interface
- ~~Perennial Streams~~
- Recreational Vehicle
- Restoration
- Riparian
- Routine Repair and Maintenance
- ~~Sensitive Species~~
- Stream
- Structure
- Subsidized Rates
- Substantial Improvement
- ~~Top of Bank~~
- Title 3 Wetland
- Water Dependent
- ~~Water Feature (Body)~~
- Waters of the~~is~~ State
- ~~Water Quality Resource Area~~
- Watershed
- ~~Woody Vegetation Area~~
- ~~Woody Vegetation~~
- Woody Debris
  - Coarse Woody Debris
  - Woody Debris Stockpiling
  - Large Woody Debris Placement

Renewable Energy Related Terms

- Battery Charging Station
- Battery Charging Unit
- Battery Exchange Station
- Biogas
- Blade
- Electric Vehicle
- Electric Vehicle Charging Station
- Electric Vehicle Charging Unit
- Photovoltaic Panel
- Renewable Energy Systems
- Solar Electric System
- Solar Reflective Index (SRI)
- Solar Water Heating System

Tree Related Terms

- Clear Cutting
- Critical Root Zone
- Crown Cover
- Diameter Breast Height
- Dripline
- Pruning
- Severe Crown Reduction
- Stand

- Tree Protection Plan
- Tree Protection Zone
- Tree Removal
- Tree Survey
- Tree Topping
- Tree Well
- Urban Forest

Temporary, Intermittent and Interim Uses Terms

- Agricultural Products Sales
- Christmas Tree Sales
- Commercial Stand
- Farmers' Markets
- Film Production Studios and Trailers
- Fireworks Sales
- Intermittent Lodging
- Mobile Unit
- Real Estate Sales Office
- Special Event
- Temporary Commercial, Institutional or Industrial Building
- Temporary Dwelling
- Warming/cooling Shelter

3.0103 General Terms and Definitions

A-Board Sign. *See Signs.*

Abandoned Sign. *See Signs.*

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

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

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

Accessory Dwelling. *See Dwelling Unit.*

Accessory Structure. *See Structure, Accessory.*

Accessory Use. *See Use, Accessory.*

Accessway. A pathway designed for pedestrian and bicycle movement to provide direct and continuous access between transportation facilities and points of interest.

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

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

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

Affordable Housing. *See Housing, Affordable.*

Agriculture. A commercial enterprise that consists of farming, including plowing, cropping, seeding, cultivating or harvesting for the production of food or fiber products; the grazing and raising of livestock; aquaculture, sod production, orchards, nurseries, and the cultivation of products. Home Occupations are not included in this definition.

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

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

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

Amenity Zone. The area beginning at the back of the curb or outside edge of the street shoulder and extending to the property line, lying within the public right-of-way or on publicly owned property or in an easement. This area typically can include a planter strip with landscape plantings, street trees, and/or site furnishings like benches and lighting.

Ancillary Dwelling. *See Dwelling Unit.*

Animated Sign. *See Signs.*

Antenna. A structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other transmission facilities.

Antenna Support Structure. A tower, pole, mast, buildings supporting existing Wireless Communication Facilities, or other structure that is intended to support an antenna.

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

Applicant. A person submitting an application for development, a permit, or other required approval under the Code. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner, including a developer.

Application, Qualifying. An application for multi-family housing that shall be decided upon pursuant to **Section 11.0402**, **Section 11.0502**, **Section 11.0904** and **Section 11.1013** that is characterized by:

1. Five or more new residences in a building, and
2. At least 50% of the multi-family units being affordable to households with incomes at or below 60% of median family income in Multnomah County or the State of Oregon (whichever is greater), and
3. A covenant appurtenant that restricts the owner and each successive owner of the development or residential unit within the development from selling or renting any unit described in 2. above as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Approved Tree List. Trees approved by the City for the available planting space for required Street Trees, Parking Lot Trees and Buffer Trees.

Aquatic Habitat. *See ~~HCA, ESRA~~, Article 5 Definitions,* ***Section 3.01330.***

Arboriculture. The care and maintenance of trees.

Arborist. A person possessing the education and technical competence through experience and related training to provide for or supervise the management of trees in a landscape setting.

- **Certified Arborist.** An individual who is certified as an arborist by the International Society of Arboriculture (ISA) with a current and active ISA certification number. A Certified Arborist will agree in writing to perform all work in accordance with ANSI A300 standards such as pruning, treating or removing trees.
- **Consulting Arborist.** A professional in arboriculture who is a member of the American Society of Consulting Arborists (ASCA) or International Society of Arboriculture (ISA) and is qualified to bring a comprehensive, objective viewpoint to the diagnosis, appraisal, and evaluation of arboricultural issues.

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

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

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

Archaeologist. A person having the following qualifications:

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

Area of Shallow Flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. Is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

~~**Areal Cover**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Assisted Living Housing. *See Elderly Housing.*

Attached Dwelling. *See Dwelling Unit.*

Awning. A shelter that provides weather protection, usually constructed of non-rigid canvas or canvas-like materials on a supporting framework that projects from the exterior wall of a building.

Awning Sign. *See Signs.*

Balcony. An exterior floor projecting from and supported by a structure without additional independent supports and is surrounded by a railing or balustrade.

Balloon Sign. *See Signs.*

Balustrade. A railing with its supporting balusters or decorative railing posts at the side of a staircase or balcony.

Banner Sign. *See Signs.*

Base. *See Façade.*

Basement. A space wholly or partly underground and having more than one-half (1/2) of its height, measured from its floor to its ceiling, below the average adjoining finished grade. See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

Battery Charging Station. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Battery Charging Unit. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Battery Exchange Station. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Bay (of building façade). Any division of a building between vertical lines or planes, especially the entire space between two adjacent supports.

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

Belt Course. A continuous row or layer of stone, brick, tile, shingles, etc. in a wall that may or may not protrude from the wall. Typically it forms a horizontal band around the building.

Bench Sign. *See Signs.*

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

Biogas. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Blade. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

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

Boarding House. A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. Boarding houses includes structures commonly called residential hotels, rooming houses and single room occupancy housing.

Buffer Area. An area adjacent to the property line intended to provide separation between uses that reduces the impacts on adjacent uses. The horizontal distance may include screening and landscaping such as trees, shrubs, ground cover, fences, walls and berms.

Buffer Tree. *See Tree.*

Building. Any structure with a roof built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. See also "Structure."

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

Building Code. The City of Gresham Building Code as adopted in the Gresham Revised Code, Article 10.0500.

Building Code Accessible. Describes a site, building, facility or portion thereof, that complies with the guidelines for accessibility in Chapter XI of the Building Code.

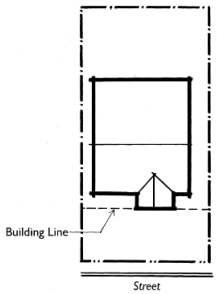
Building, Contiguous. A contiguous building for purposes of the Commercial Design Standards is a single building or combination of buildings planned as a single development, regardless of structural independence, development phase or final lot lines which have a continuous and/or common wall plane. Referred to herein as Building within **Section 7.0600**.

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

Building Footprint. The total area of the building ground floor measured from the exterior faces of the building. See also **Section 3.0120** for Building Footprint as it applies to ~~the Habitat Conservation Area~~Article 5.

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

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



Building Site. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Bulkhead. The solid portion of wall below the glass of a storefront window whose purpose is to protect against abrasion or impact loads. The bulkhead is also commonly referred to as a knee-wall.

Butterfly Roof. *See Roof.*

Canopy. An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached. A canopy is comprised of a rigid structure over which a rigid covering is attached. See also "Sun Screen/Sun Shade."

Carpool/Vanpool Parking. A parking space for a vehicle with two or more riders.

Carport. A roofed structure open on at least two sides, designed for or occupied by private passenger vehicles. Carports shall not include structured parking. See also "Garage."

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

Centralized Stormwater Management Facilities. Stormwater management facilities designed to detain stormwater from large areas. Centralized Facilities provide stormwater detention for large storm events that exceed the capacity of On-Site Green Development Practices. They work in conjunction with Green Development Practices and Green Streets to manage stormwater in a comprehensive way to best mimic pre-development hydrology. Design standards and requirements for regional management facilities are included in the City of Gresham's Stormwater Management Manual.

Certified Arborist. *See Arborist.*

Certified Child Care Facility. In-home childcare for not more than 16 children and certified by the Child Care Division of the State of Oregon.

Certified Engineering Geologist *See Article 5 Definitions,* ***Section 3.0120.***

Change of Use. *See Use, Change of.*

Children's Play Equipment. A manufactured play structure on public or private land that is of commercial quality.

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

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

City. The City of Gresham.

Civic Neighborhood Design District. *See Design District.*

Clear Cutting. *See Tree Related Definitions,* ***Section 3.0150.***

Clear Vision Area. A triangular area at the intersections of streets with another street or with railroads or driveways. The purpose of the area is to provide drivers and bicyclists with an unobstructed cross-view for purposes of traffic safety.

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

Coarse Woody Debris. *See Article 5 Definitions,* ***Section 3.0120.***

Co-locate. The mounting or installation of antennas and/or associated equipment on an existing antenna support structure.

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

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

Community Garden. A garden in which any kind of plant is grown for personal use or donation, and several individuals or households garden assigned plots. The land may be publicly owned or may be privately owned, such as by a religious institution or a medical center.

Composting Facility. A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Comprehensive Plan. *See Gresham Community Development Plan.*

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

Condominium Conversion. The filing of a declaration pursuant to ORS 100.005 to 100.990, or the sale by a declarant or condominium units that were previously rental units. This is also known as conversion to unit ownership.

Condominium Unit. Any individually owned unit in a condominium.

Congregate Housing. *See Elderly Housing.*

Construction Contractor. A general contractor or builder engaged in the construction of buildings or components of buildings, as well as heavy construction contractors engaged in activities such as paving, highway construction and utility construction. This use may include inside or outside storage of materials and equipment.

Consulting Arborist. *See Arborist.*

Continuing Care Retirement Community. *See Elderly Housing.*

Corner Lot. *See Lot.*

Cornice. The uppermost section of projecting ornamental moldings along the top of a building just below a roof or the top of a wall.

Corridor Design District. *See Design District.*

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

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

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

Critical Root Zone. *See Tree Related Definitions,* ***Section 3.0150.***

Crosswalk. A portion of the public right-of-way used primarily for pedestrian travel through or across any portion of a transportation facility.

Crown Cover. *See Tree Related Definitions,* ***Section 3.0150.***

Curb Cut. The entire variation from curb grade, including driveway approach and the area of transition from the sidewalk and curb grades to the driveway approach ramp grades.

Curb Ramp. An area, typically part of a pedestrian accessible route, designed to transition non-vehicular traffic from one elevation to another, such as sidewalk transitions to street crossings. Curb Ramps are limited to maximum running slopes of 1:12 and cross slopes of 1:50.

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

Dead-End Street. A street or series of streets which can be accessed from a single street. Dead-end streets can be either temporary (intended for future extension as part of a future street plan) or permanent.

Deciduous. A plant with foliage that is shed annually.

Deck. An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

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

Density. The density for any lot is computed by dividing the number of dwelling units by the parcel acreage or, if specified, net acreage.

Accessory dwelling units: Accessory dwelling units do not count toward density requirements in LDR-5, LDR-7, TR, TLDR, LDR-PV, VLDR-SW and LDR-SW. Accessory dwelling units count toward minimum density but not maximum density requirements in all other districts.

Density, Net. The net density for any lot is computed by dividing the number of dwelling units by the quotient of the net square footage of the parcel divided by 43,560. The equation for units per acre is:

Net Density = Units ÷ (Net square footage ÷ 43,560)

To calculate net square footage, the following are subtracted for areas in LDR-5, LDR-7, LDR-PV, LDR-SW, VLDR-SW, TLDR and TR:

When calculating minimum density: Natural Resource Overlay, Hillside and Geologic Risk Overlay, areas encumbered by Natural Resource or Hillside Easements ~~Habitat Conservation Area; slopes 25 percent and greater~~; square footage dedicated to public streets, private streets, the flag pole portion of a flag lot and the portion of non-standard lots encumbered by an access easement. Non-standard lots are defined in **Section 4.0138(B)**.

When calculating maximum density: High Slope Subarea, s~~S~~quare footage dedicated to public streets, private streets, the flag pole portion of a flag lot and the portion of non-standard lots encumbered by an access easement. Non-standard lots are defined in **Section 4.0138(B)**.

To calculate net square footage, the following are subtracted for areas not in LDR-5, LDR-7, LDR-PV, LDR-SW, VLDR-SW, TLDR and TR:

When calculating minimum density: Natural Resource Overlay, Hillside and Geologic Risk Overlay, areas encumbered by Natural Resource or Hillside Easements ~~Habitat Conservation Area; slopes 25 percent and greater~~; and square footage dedicated to public streets.

When calculating maximum density: Square footage dedicated to public streets.

The land area dedicated without compensation for the widening or the extension of a public street may, at the applicant's discretion, be included in calculating the minimum and maximum number of attached dwelling units on a single lot permitted on land not in LDR-5, LDR-7, , LDR-PV, LDR-SW, VLDR-SW, TR or TLDR.

Accessory dwelling units: Accessory dwelling units do not count toward density requirements in LDR-5, LDR-7, TR, TLDR, LDR-PV, VLDR-SW and LDR-SW. Accessory dwelling units count toward minimum density but not maximum density requirements in all other districts.

Density Rounding. A method to determine the whole number of units permitted in a development. Rounding for total units allowed is done in the following manner:

Minimum density: To determine the number of units permitted, the results of a calculation for the minimum number of units allowed shall be rounded down to the nearest whole number. For example, if a calculation results in 4.8 units, the minimum number of units required would be 4.

Maximum density: To determine the number of units permitted, the results of a calculation for the maximum number of units allowed shall be rounded down for a decimal that is less than 0.50 and rounded up for a decimal 0.50 or greater. For example, if a calculation resulted in 4.45 units, the maximum number of units allowed would be 4. If a calculation resulted in 4.55 units, the maximum number of units allowed would be 5.

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

- **Civic Neighborhood Design District** is all of the Civic Neighborhood Plan District (CNPD) lands as described in **Section 4.1200**. This area generally encompasses properties between Wallula on the west, Burnside to the north, Eastman on the east, and Division to the south, including both sides of Division at the intersection of Division and Eastman.
- **Corridor Design District** is generally those corridor districts -- Corridor Multi-Family (CMF); Corridor Mixed Use (CMU); Moderate Commercial (MC) and Community Commercial (CC); and those residential districts – Moderate Density Residential-12 (MDR-12), Moderate Density Residential-24 (MDR-24) and Office/Residential District (OFR) that are not included in another Design District.
- **Downtown Design District** is all of the Downtown Plan District (DPD) lands as described in **Section 4.1100**. This area generally encompasses properties between Eastman on the west, Hogan on the east, both sides of Burnside to the north and both sides of Powell to the south.
- **Pleasant Valley Design District** is generally the Pleasant Valley Town Center (TC-PV) and the Medium Density Residential-Pleasant Valley (MDR-PV) and High Density Residential-Pleasant Valley (HDR-PV).
- **Rockwood Design District** is generally the Rockwood Town Center (RTC) lands and the Station Center (SC) lands along the MAX line from the west City limits to Birdsdale including the Station Center-Ruby Junction (SC-RJ) lands.
- **Springwater Design District** is generally the Springwater Village Center (VC-SW) and the abutting Townhouse Residential (THR-SW) land to the east of the VC-SW.

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

Design Principles. General statements that will guide the design of the built environment in design districts. They are the connection between general planning goals and policies and implementing design guidelines and standards.

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

project's design.

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

Design Streets. Design Streets are designated on Figure 7.0210 and are subject to special criteria and standards intended to help foster a pedestrian-friendly environment and effective transit access. They may be designated along transit streets or other streets with significant pedestrian activity.

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

Developable Area *See Article 5 Definitions,* ***Section 3.0120.***

~~**Developed Areas not Providing Vegetative Cover.** *See Habitat Conservation Area Definitions,* ***Section 3.0120.***~~

~~**Developed Flood Area.** *See Habitat Conservation Area Definitions,* ***Section 3.0120.***~~

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or alteration of buildings or other structures; condominium conversion; land division; establishment or termination of a right of access; storage on real property; tree removal; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavation, or clearing. See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

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

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

Diameter Breast Height. *See Tree Related Definitions,* ***Section 3.0150.***

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

Direct Illumination Sign. *See Signs.*

Directional Sign. *See Signs.*

Directional Signs, Institutional Campus. *See Signs.*

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

~~**Disturb.** *See Habitat Conservation Area Definitions,* ***Section 3.0120.***~~

Disturbance Area. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Double Frontage Lot. *See Lot.*

Downtown Design District. *See Design District.*

Dripline. *See Tree Related Definitions,* ***Section 3.0150.***

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

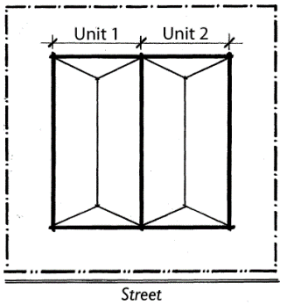
Driveway (Drive). A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway Approach. The portion of the driveway which connects to a street and generally is within the public right-of-way. See also the Public Works Standards.

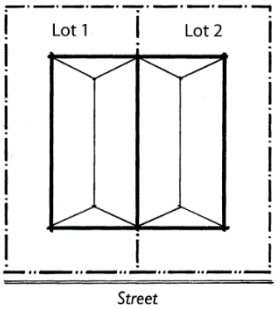
Driveway, Shared. A single driveway serving two or more lots.

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

- **Accessory Dwelling.** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family home. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.
- **Attached Dwelling.** A dwelling unit in a multi-family structure that shares a common wall, floor or ceiling with another dwelling unit within a residential building on a single lot, or, as permitted by the district, within a mixed-use building on a single lot.
- **Duplex.** A building on a single lot containing two dwelling units that share a common wall, floor or ceiling.

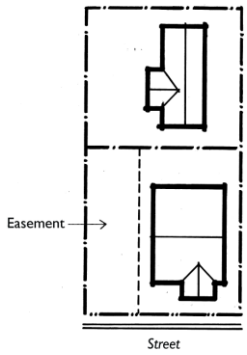


- **Single Family Dwelling.** A detached building designed for occupancy by one family.
- **Single Family Attached Dwelling.** A single family dwelling unit, located on its own lot, that shares one or more common walls with one or more single family attached dwelling units. It does not share common floors or ceilings with other single family attached dwelling units and multiple single family attached units are typically constructed in a linear design. Townhouses that locate each dwelling unit on its own lot are also single family attached dwellings.



- **Single Family Detached Dwelling.** A detached building designed for occupancy by one family. A detached single-family dwelling on a single lot is often referred to as a single-family house, home, or residence.
- **Temporary Health Hardship Dwelling.** A manufactured home temporarily placed with an existing single-family dwelling and intended to provide convenient, temporary housing for persons with a demonstrated health hardship.

Easement. The recorded right that allows others to use a defined area of property for specific purpose(s), such as access or utilities.



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

Easement, Public Access. A recorded right that allows the public to use a defined area of property for access.

Eco-Roof. Also known as Green Roof. A roof that has been constructed with an impermeable barrier, overlain with a layer of planting media (such as soil or other) and vegetation, with the purpose of slowing and filtering stormwater, insulating the building, and reducing the urban heat-island effect.

~~**Ecological Features**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Ecological Functions. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***

Effective Impervious Area. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

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

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

- **Assisted Living Housing.** Assisted living housing contains separate living units and is designed to support resident independence in a residential setting and to promote the concept of "aging in place." Assisted living housing offers a range of services, available on a 24-hour basis, for support of resident choice, dignity, privacy, individuality, independence and home-like surroundings.
- **Congregate Housing.** Congregate housing is a specially planned, designed, and managed multi-unit rental housing with self-contained apartments. It is designed to provide supportive environments, but also to accommodate a relatively independent lifestyle. Typically, a limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, are provided.
- **Continuing Care Retirement Community (CCRC).** A housing development that is planned, designed, and operated to provide a full range of accommodations and services, including independent living, congregate housing, and medical care. Residents may move from one level to another as their needs change. Such facilities may offer a guarantee of lifetime care, including health care, secured by contracts that require payment of an entrance fee, as well as regular monthly

maintenance fees. Other CCRCs include a limited amount of health care as part of the standard fee or they may charge on a pay for service basis. CCRCs may offer rentals as well as ownership options.

- **Immediate Care Facility.** An Immediate Care Facility is designed for persons who do not require round-the-clock nursing, but who do need "preventive care" with less than continuous licensed nursing care or observation. It provides 24-hour service with physicians and nurses in supervisory roles. Such facilities emphasize personal and social care.
- **Retirement Housing.** Retirement housing is designed for independent living and each unit has a full kitchen and bath. Retirement housing generally is located in multi-unit structures, similar to multi-family structures, although seniors only manufactured dwelling parks would also qualify for this category. A few services such as group trips or recreation or other services may be offered.
- **Skilled Nursing Facility (Nursing Home).** A skilled nursing facility provides a full range of 24-hour direct medical care, nursing, and other health services. Nurses provide services prescribed by a resident's physician. It is for persons who need health supervision but not hospitalization. The emphasis is on nursing care, but restorative physical, occupational, speech, and respiratory services are also provided. Common eating and cooking facilities are provided.

Electric Vehicle. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Electric Vehicle Charging Station. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Electric Vehicle Charging Unit. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Electrical Generating Facility. A stand-alone facility with the primary purpose of generating electric energy on a large scale for sale. Also known as a power station or generating plant.

Electronic Message Center Sign. *See Signs.*

Elevated Building. For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~**Emergency**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Employees. All persons, including proprietors, working on the premises of a business.

Emissivity or Emittance. Infrared emissivity (or emittance) is a measure of the ability of a surface to shed some of its heat (in the form of infrared radiation) away from the surface (i.e., roofing membrane). High infrared emissivity helps keep surfaces cool. Metallic surfaces have a low infrared emissivity.

~~**Engineer**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

~~**Enhancement**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

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

Entry, Primary. A principal entry for people into a building which faces a public street.

Environmental Technical Guidance Manual. *See Article 5 Definitions,* ***Section 3.0120****.*

Erosion. The movement of soil particles resulting from actions of water or wind.

Erosion and Sediment Control. Practices and methods employed to reduce or prevent soil erosion and sedimentation (accumulation or buildup of sediments) resulting from soil disturbing activities or weather events. See the Erosion Prevention and Sediment Control Manual for local requirements.

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

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

Evergreen. Varieties of plants (including groundcover, shrubs and trees) with foliage that persists and

remains green year-around.

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

Facade. All exterior walls or faces of a building. This may include the front, sides and/or rear of the building.

- Base. The lower portion of the building façade adjacent to the ground. This may include windows, texture, projections, awnings, canopies, ornamental detailing, etc. to enhance the pedestrian realm at the street level.
- Top. The upper portion of a building façade. This may include cornice detailing, roofs, dormers, and gable ends, etc.
- Prominent Façade Sections. Select areas of buildings which shall receive special design attention due to their location. These include building corners that front intersections of public streets or façade sections facing an intersection of two arterials that are a higher classification than minor arterial and façade sections that terminate the view down a right-of-way or primary internal drive.

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

Face Sign. *See Signs.*

Family. An individual or group of people living together in a dwelling unit in which meals or lodging are provided. Residents and staff of residential homes as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Fascia Sign. *See Signs.*

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

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. For purposes of **Section 9.0100**, walls are a type of fence.

Fill. *See HCA, ESRA, Article 5 Definitions, **Section 3.0130.***

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

Fin Sign. *See Signs.*

Flag Lot. *See Lot.*

Flag Pole. *See Lot.*

Flap Sign. *See Signs.*

Flashing Illumination Sign. *See Signs.*

Fleet Vehicle. *See Motor Vehicle.*

Flood or Flooding.

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or runoff of surface waters from any source.
   3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

Flood Areas. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***

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

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Management Areas. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***

Flood Prone. Areas of land not shown on the FIRM but known to have suffered documented watercourse related flooding.

Floodplain. Any land area susceptible to being inundated by flood waters from any source. See also "Flood or Flooding." See Also the HCA, ESRA, Article 5 Definition in **Section 3.0130** for use of this term in those areas.

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

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

Food and Beverage Carts. The sale of goods or merchandise from a location outside of a building in a mobile unit where at least 50 percent of the sales is a combination of food and beverages. Examples include coffee carts and carts or trailers designed to serve food. Exceptions include residential lemonade stands and similar short-term sales associated with residential uses.

Fore-Court. An open area in front of a building's main entrance.

~~**Forest Canopy**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Forestry Stewardship Council (FSC) Rating. This is a rating system for wood products whereby certification is granted from the Forestry Stewardship Council's accredited independent certifiers that evaluate forest management for environmental responsibility, social benefit and economic viability.

Free-Standing Sign. *See Signs.*

Frontage. That portion of a parcel of lot which abuts a transportation facility. Frontage may also refer to: other types of frontage, the façade of a building, or a frontage road, depending on the context of the term in the Code.

Front Lot Line. *See Lot Line.*

Front Yard. *See Yard.*

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

Galleria. A functional interior open space accessible to the public during business hours. It must connect areas of pedestrian activity.

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

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

Geotechnical Engineer. *See Article 5 Definitions,* ***Section 3.0120.***

Grade. The lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Green Development Practices. Stormwater management techniques that utilize the processes of retention, infiltration, and evapotranspiration to treat runoff and reduce the volume of stormwater. Design standards and requirements for Green Development Practices are included in the City of Gresham's Stormwater Management Manual.

Green Street. A street that incorporates Green Development Practices within or adjacent to the right-of-way to treat, retain, and infiltrate stormwater runoff. Green Street section and design standards are included in the City of Gresham's Public Works Standards for each street classification. Green Streets typically use rain gardens, stormwater planters, or porous pavement to manage stormwater runoff.

Gresham Community Development Plan, or Community Development Plan. A plan adopted by the City which is intended to guide the future development of this community. It is also known as the Comprehensive Plan. This plan includes five volumes:

1. Volume 1 - Findings Document
2. Volume 2 - Policies
3. Volume 3 - Gresham Community Development Code, also known as the Development Code or Code
4. Volume 4 – Transportation System Plan
5. Volume 5 – Capital Improvement Plan

Gresham Development Plan Map. The Plan Map identifies the land use designations assigned to all property within the City of Gresham. The Plan Map is included as Appendix C of Volume II of the Gresham Community Development Plan.

Gresham Public Works Standards. The Gresham Public Works Standard Details, Construction Specifications, and Design Standards.

Grocery Store. A retail trade establishment in which more than 50% of the public floor area is dedicated to the sale of perishable and non-perishable food items which are intended for preparation and consumption off site.

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

Ground Floor Height. The vertical distance from the upper surface of the ground floor to the upper surface of the floor immediately above. (See also Story).

Groundcover. Turf grass and low plants that cover the ground in place of turf grass. Low plants normally

reach an average maximum height of not more than 24 inches at maturity. For required landscaping, groundcover does not include any substitution of bark mulch, bark chips, gravel, or rock in place of living plant materials except as prescribed in the city's Erosion Prevention and Sediment Control Manual.

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

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor." This term "habitable floor" does not apply to the provisions of **Section 5.0100** Floodplain Overlay District.

~~**Habitat Conservation Area or HCA.** *See Habitat Conservation Area Definitions,* ***Section 3.0120.***~~

~~**Habitat Friendly Development**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Hazardous Tree. *See Tree.*

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

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

Hipped Roof. *See Roof.*

High Slope Subarea. *See Article 5 Definitions,* ***Section 3.0120.***

High Value Resource Area. *See Article 5 Definitions,* ***Section 3.0120.***

Historic and Cultural Landmark. A site, building, structure, district or object found to be of historic significance because it meets the criteria in the Community Development Code for being added to the Historic and Cultural Landmarks List. These include being associated with a significant historical person or a significant past event; having distinctive architectural features representative of an architectural period or a method /type of construction; or likely to yield information important in prehistory or history.

- **Class 1 Historic and Cultural Landmarks**. These are the most significant historic resources (site, building, structure, district or object) found on the Historic and Cultural Landmarks List and include all resources that are listed on the National Register of Historic Places. The exteriors of Class 1 Landmark buildings have been relatively unaltered since the time they were built and closely resemble their historic appearance.
- **Class 2 Historic and Cultural Landmarks**. These are historic resources (site, building, structure, district or object) found on the Historic and Cultural Landmarks List that are of lesser significance than Class 1 Historic and Cultural Landmarks but are still of considerable value to the community because of their age or architecture. In general, the exterior appearance of Class 2 Landmark buildings have been altered to a greater degree than Class 1 Landmarks since the time they were built.

Hogan Cedar Tree. *See Tree.*

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

Hotel. A building or portion thereof, with rooms designed or intended to be used, subletted, or hired out for the purpose of offering lodging on a day-to-day basis to the general public. Motels and apartment hotels shall be classified as hotels.

Housing, Affordable. Housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for Multnomah County or the State of Oregon, whichever is greater.

Housing, Needed. All housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes, and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.

"Needed Housing" includes the following housing types:

a) Attached and detached single-family housing and multiple-family housing both owner and renter occupancy;
b) Government assisted housing;
c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
d) Housing for farmworkers.

Hydrologic Unit Codes. *See Article 5 Definitions,* ***Section 3.0120.***

Illuminated Awning Sign. *See Signs.*

Immediate Care Facility. *See Elderly Housing.*

Imminent Hazard Tree. *See Tree.*

Indirect Illumination Sign. *See Signs.*

Infill Lots and Parcels. *See Lot.*

Infiltration (in the context of stormwater), or Stormwater Infiltration. Also referred to as stormwater retention. The permanent storage and disposal of stormwater, through percolation into the ground. This may occur via the soil surface or the subsurface. The stormwater hierarchy in the Water Quality Manual applies, and a DEQ authorization is required for subsurface infiltration that meets the definition of an Underground Injection Control system.

Installation Sign. *See Signs.*

Institutional Campus. An institutional use consisting of one or more contiguous lots or site at least 20 acres in size owned or managed by a single entity and providing public/semi-public and private services such as higher educational facilities and hospital campuses with affiliated health care services.

Institutional Master Plan. A development plan for multiple phases of certain institutional uses; parks; and public, multi-use trails that include one or more sites.

Intent. A statement indicating the purpose of what the Design Guidelines and Standards regulations are designed to achieve.

Interior Lot. *See Lot.*

Internal Signs, Institutional Campus. *See Signs.*

~~**Intermittent Streams**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Internal Illumination Sign. *See Signs.*

Invasive ~~Non-Native or Noxious~~ Vegetation. *See ~~HCA, ESRA~~, Article 5 Definitions,* ***Section 3.0132~~0.***

Irregular Shaped Lot. *See Lot.*

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

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

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

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

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

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

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

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

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

- **Parking Lot Landscaping.** Landscaped areas that are located within ten (10) feet of parking modules, internal drive aisles or parking stalls. This landscape area includes parking area perimeter buffers, landscaped islands, major landscape islands, tree wells and landscaping on internal public streets, primary internal drives and site buffers. Paved surfaces and walkways do not count toward any landscape area calculations for commercial developments in the Corridor Design District.

Landslide. *See Article 5 Definitions, **Section 3.0120**.*

LEED ™. The Leadership in Energy and Environmental Design Green Building Rating System developed by the U.S. Green Building Council (USGBC) which provides standards for environmentally sustainable design, construction and operation of buildings and neighborhoods.

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

Level of Service (LOS). A standard of a street's carrying capacity, based upon prevailing roadway, traffic, and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow), describes operational conditions within a traffic stream and their perception by motorists/passengers.

Light Cut-off. An outdoor lighting fixture designed to direct light (usually downward) and prevent light from being emitted outside the area intended for lighting.

Liner Space. Small commercial tenant space along the perimeter of a large commercial building. A liner space typically has an individual storefront and an entry from the exterior of the building. This space(s) can be used to conceal outdoor loading areas.

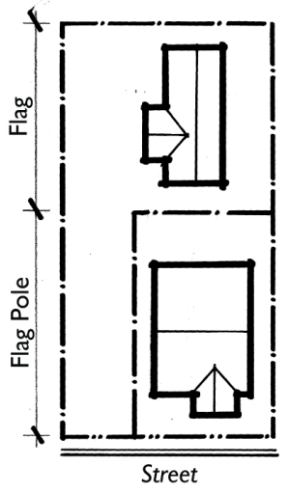
Lintel. A horizontal structural beam above an opening, such as a window or door that may be expressed externally as an architectural feature.

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

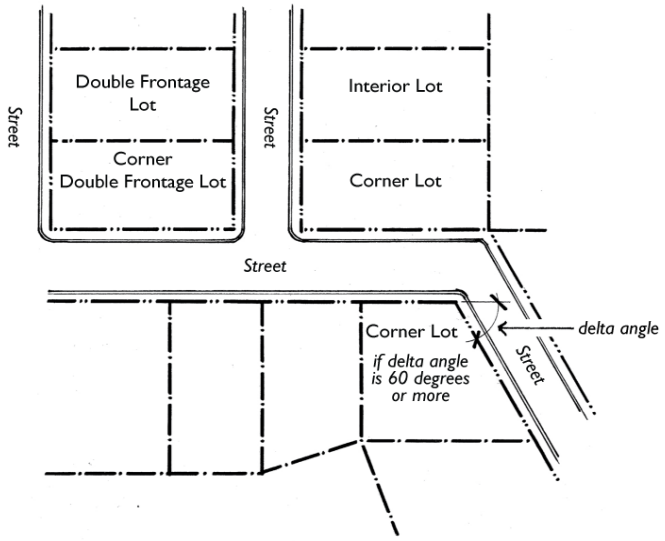
Lot. A generic term that describes any unit of land.

- **Corner Lot.** A lot that has frontage on two or more streets. A corner lot also includes a lot abutting the inside curve of a street with a delta angle, as used on plats, of 60 degrees or more.
- **Double Frontage Lot.** A lot with street frontage along two opposite boundaries.

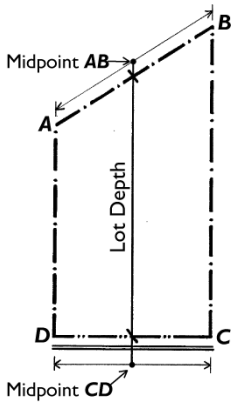
- **Flag Lot.** A lot with two distinct parts: the flag, which is the only building site, located behind another lot; and the flag pole, which connects the flag to the street, provides the only street frontage for the lot and is narrower than the street frontage required for that district.



- **Flag Pole.** The narrow portion of a flag lot needed to provide vehicular access from the street to the remainder of the parcel. A flag pole is typically under parent parcel ownership, but may be allowed as an easement for shared access across an adjacent ownership or as interim access pending future street development.
- **Interior Lot.** A lot other than a corner lot, with frontage only on one street.
- **Irregular Shaped Lot.** A lot that is other than rectangular in shape.
- **Rectilinear Lot.** A lot where the side lot lines are perpendicular to the street upon which it faces, or are radial to the street in the case of a curved street.
- **Subdivision Lot.** A single unit of land legally created by a subdivision in accordance with the City of Gresham subdivision regulations.

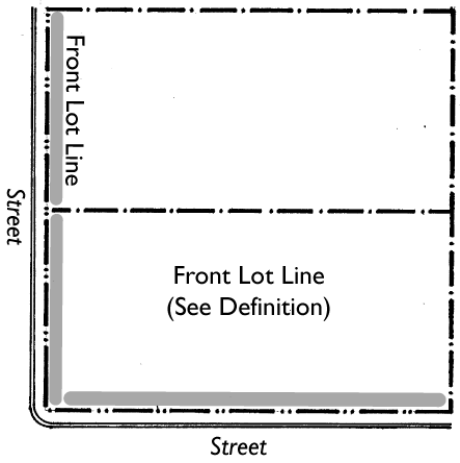


Lot Depth. The perpendicular distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually the rear, lot line. See also Lot Width.



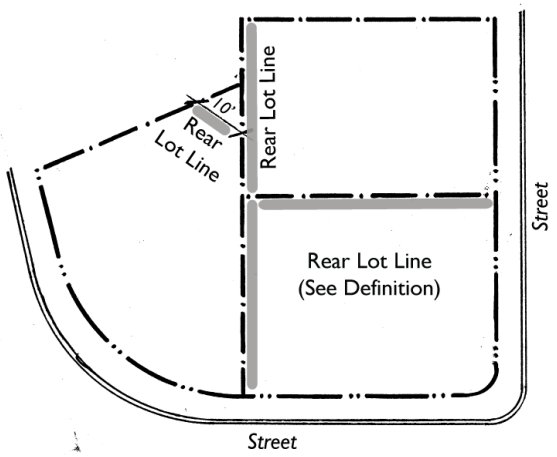
Lot Line. Any property line bounding a lot.

- **Front Lot Line.** For an interior lot, the lot line abutting a street;. In the case of a corner lot, where there is an existing building, the front lot line is determined by the orientation of the front door. For a corner lot where there is no existing building, the front lot line is determined by the orientation necessary to achieve lot depth. If lot depth may be met in both directions, then the applicant may determine which lot line is the front lot line. In cases where the front lot line is disputable, the Manager shall determine the front lot line. For double frontage lots, the front lot line shall be determined by the Manager except when an access control strip has been required along one of the streets of a double frontage lot by a governmental agency. In that instance, the line separating the lot from this street shall become the rear property line. A lot line abutting an alley is a rear lot line. For flag lots and non-frontage lots where lot depth is met in both directions, the front lot line shall be determined by the Manager.



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

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



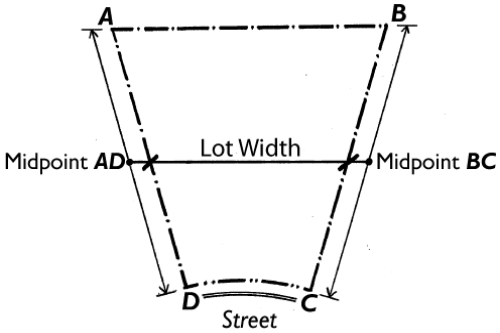
- **Side Lot Line.** Any lot line which is not a front or rear lot line.
- **Zero-Lot Line.** A condition created through a land division process where the lots have setbacks less than that required in the underlying land use district.

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

Lot of Record.

1. A platted lot. Platted lots that were recorded with Multnomah County after December 16, 1975, where City of Gresham approval was required but not sought and granted prior to recordation, are not recognized as lots of record.
2. Land for which a deed or other instrument describing the land was recorded with Multnomah County prior to December 16, 1975, or either approved by Multnomah County or recorded prior to July 26, 1979, if annexed after that date.

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



Low Structure Vegetation or Open Soils. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR Section 60.3.

Maintain. To cause or allow to continue in existence; when the context indicates, maintain shall mean to preserve and care for a structure, improvement, conditions or landscape area so that it remains attractive, safe and presentable and carries out the purposes for which it was installed, constructed or required.

Maintenance Sign. *See Signs.*

Major Tree. *See Tree.*

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

Mansard Wall Sign. *See Signs.*

Manufactured Dwelling. The term "Manufactured Dwelling" means:

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

See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

Manufactured Home Park/Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marijuana Business. A medical marijuana business, a recreational marijuana business, a marijuana testing laboratory or a marijuana research facility.

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

Marquee Sign. S*ee Signs.*

Massing, Building. The mass or bulkiness of a building is its three-dimensional form, and its relationship to exterior spaces.

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

Medallion. An ornamental plaque on which is represented an object in relief such as a figure, head, flower, etc.

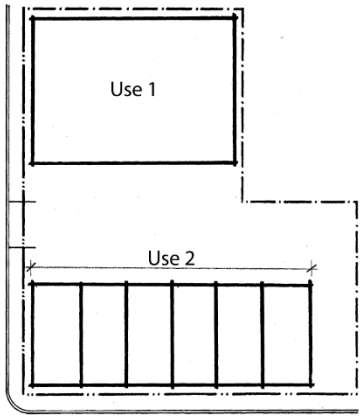
Micro/Mini Wireless Communication Facility (WCF). A Wireless Communication Facility located on private property characterized by small antennas that are located on utility poles, light poles or buildings,

are designed to provide enhanced communication to a geographically limited area and are generally limited to a maximum of three cubic feet in size.

Mitigation. *See ~~HCA, ESRA~~, Article 5 Definitions,* ***Section 3.013320.***

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

Mixed-Use Development - Vertical



Mixed-Use Development - Horizontal

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

Modulation, Building. Design technique that breaks the massing of large buildings down into smaller units by providing varying depths for exterior walls.

- **Vertical Modulation:** Used to make large buildings appear to be an aggregate of smaller elements or to add visual relief to long stretches of facades. Techniques can include the use of architectural features, setbacks or varying rooflines.
- **Horizontal Modulation:** Used to reduce the apparent mass of multi-story buildings and provide continuity at the ground level of a large building. Building facades can be divided with horizontal elements so that the façade appears less massive than those with sheer, flat surfaces. Techniques can include step-backs, balconies, and roof treatment.

Monument Sign. *See Signs.*

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

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

Moving Parks Sign. S*ee Signs.*

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

Mullion. S*ee Window Mullion.*

Multi-Business Complex Sign. S*ee Signs.*

Multi-family Structure. A building that is located on a single lot and has three or more dwelling units. This includes apartments and may include condominiums.

Mural. A painting applied to a wall surface that will be reviewed and approved for artistic merit by an arts reviewing body designated by the City.

Munton. A vertical member between the casements or panels of a window or panels of a screen.

Native Vegetation ~~or Native Pl~~an. *See ~~HCA, ESRA,~~ Article 5 Definitions,* ***Section 3.013~~2~~20.***

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

Needed Housing. *See Housing, Needed.*

New Construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

Nonconforming Sign. S*ee Signs.*

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

~~**Non-Woody Vegetation**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Northern Lot Line. *See Lot Line.*

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

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

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

On-Site Directory Sign. S*ee Signs.*

On-Site Stormwater Management. The management of stormwater as close to the impervious source as possible. For public streets, on-site stormwater management is defined as management within the public right-of-way. For commercial and industrial buildings, on-site stormwater management is defined as management within the individual tax lot. For single-family and multi-family development, on-site stormwater management is defined as management at the end of each block or within the collective boundary of all of the individual tax lots.

~~**Open Space.** *See Habitat Conservation Area Definitions,* ***Section 3.0120.***~~

Ordinary High Water Mark. *See Article 5 Definitions,* ***Section 3.0120.***

Ornamental Tree. *See Tree.*

Other Waters. *See Article 5 Definitions,* ***Section 3.0120.***

Outdoor Advertising Sign. S*ee Signs.*

Outdoor Area. A particular extent of space or surface that is not within a building but rather in open air. Examples include:

- **Outdoor Sales Display.** An outdoor arrangement of objects, items, products, or other materials that is capable of rearrangement, is not in a fixed position, and which is designed and used for the purpose of sales. An outdoor sales display does not exceed fifteen percent (15%) of the ground floor area of the building(s) on the site or a maximum of one thousand (1,000) square feet, whichever is less. An outdoor sales display also does not remain outdoors for more than 24 hours and maintains an accessible pathway as defined in the Building Code.
- **Outdoor Storage.** The keeping of materials or goods associated with the rental, distribution, wholesale, manufacturing, processing or repair of equipment or supplies in the same outdoor place for more than 24 hours.

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

Painted Highlights Sign. S*ee Signs.*

Painted Wall Decoration Sign. S*ee Signs.*

Painted Wall Sign. S*ee Signs.*

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

Parcel. A generic term that describes any unit of land.

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

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

Parking Lot. Pavement/hard surface area and associated circulation routes dedicated to parking vehicles off-street or beyond the right of way, either free or for a fee. When calculating the size of the parking lot, it shall include paved parking stalls, drive aisles, primary internal drives and those internal public streets which include on-street parking. Service drives and paved loading areas shall not count when calculating the area of the parking lot. Parking areas for one and two-unit dwellings are not parking lots.

Parking Lot Tree. *See Tree.*

Parking Module. One (1) or two (2) rows of parking stalls of any length served by a single drive aisle for access**.**

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

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

Partition Land. To divide land into two or three parcels of land within a calendar year. See ORS 92.010(8). This does not include:

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

Partition Parcel. A single unit of land legally created in accordance with the City of Gresham partition regulations.

Passenger Vehicle. *See Motor Vehicle.*

Pedestrian Facilities. Transportation facilities which provide for pedestrian traffic including sidewalks, walkways, trails, crosswalks and other improvements, such as lighting and benches. Pedestrian facilities are generally hard-surfaced. In parks and natural areas, they may be soft-surfaced. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights-of-way or easements for future pedestrian facilities.

Pennant Sign. S*ee Signs.*

Perennial (or Perennial Plant). A herbaceous plant that lives for more than two years usually with new herbaceous growth from a part that survives from season to season.

~~**Perennial Streams**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Perimeter Tree. *See Tree.*

Permanent Sign. S*ee Signs.*

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

Pervious Paving. Also known as porous pavement or permeable paving. A paving method for paved areas such as roads, parking lots and walkways that allows the movement of water and air through the paving material. Pervious materials allow precipitation to percolate through areas that would traditionally be impervious and instead infiltrates the stormwater through to the soil below. Examples include: porous asphalt, concrete, paving stones, bricks, or paver systems that lock together but include small gaps to allow water to pass between the pavers.

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

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

Photovoltaic Panel. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

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

Planter Strip. The area, excluding sidewalk, beginning at the back of the curb or outside edge of the shoulder and extending to the property line, lying within the public right-of-way or on publicly owned property or in an easement. This is also known as a planting strip and parking strip. The planter strip is typically used for landscaping and may be used for utilities.

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

Plaza. A functional exterior open space available to the general public at all times and accessible from abutting sidewalk, alley or street, and oriented to receive sunlight. Landscaping, kiosks, fountains, art works can occupy 2/3 of the area with the remainder being suitable for walking, sitting and similar pursuits See also Public Urban Plaza.

Pleasant Valley Design District. *See Design District.*

Plinth. The base or platform upon which a wall, column, pedestal, statue, monument, or structure rests.

Potential Resource Area. *See Article 5 Definitions,* ***Section 3.0120.***

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

Portable Sign. S*ee Signs.*

Portico. A covered walkway or major porch with columns on at least one side; a covered colonnade.

Practicable. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

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

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

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

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

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

Private Public Property Interface. *See Article 5 Definitions,* ***Section 3.0120.***

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

Projecting Sign. S*ee Signs.*

Pruning. *See Tree Related Definitions,* ***Section 3.0150.***

Public Community Park. Large park (generally 13 to 50 acres) that provides active and passive

recreational opportunities for all city residents. Accommodates large group activities.

Public Path. A paved public access route designed for a broad range of users such as pedestrians (including pedestrians with disabilities), hikers, runners, bicycle riders, horseback riding, users in wheelchairs, and users pushing strollers, for transportation and recreation purposes. The term "Multi-Use Path" is often used interchangeably for public path in City and regional documents.

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

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

Public Place. A public park, LRT station, right-of-way or public easement that accommodates pedestrians.

Public Trail. A soft surface public access route primarily for passive pedestrian activities such as walking, hiking, and running. Horseback riding and bicycling are also common uses though generally permitted only where steep slopes, erosive soils, or other sensitive site considerations do not exist.

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

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

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

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

Qualified Arborist. *See Arborist.*

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

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

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

Rain Garden. A shallow landscaped basin that accepts stormwater runoff from rooftops, parking lots, streets, or other impervious surfaces, with the purpose of storing and filtering or infiltrating the water into the ground.

Readerboard Sign. S*ee Signs.*

Rear Lot Line. *See Lot Line.*

Rear Yard. *See Yard.*

Receive-only Antenna. An antenna which receives television or radio signals from satellites, ground based transmitting broadcast towers or other facilities.

Rectilinear Lot. *See Lot.*

Redemption Center. An indoor retail facility approved by the Oregon Liquor Control Commission facilitating the return of empty beverage containers and serving dealers of beverages, where any person may return empty beverage containers and receive payment of the refund value of such beverage containers.

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

Reflectivity or Reflectance. Solar reflectivity (or reflectance) is the fraction of the solar energy that is reflected by the surface (e.g., roofing membrane) back to the sky. White membranes have the highest solar reflectivity, while black have the lowest. The best standard technique for its determination uses spectrophotometric measurements, with an integrating sphere to determine the reflectance at each different wavelength. The average reflectance is then determined by an averaging process, using a standard solar spectrum. This method is documented by ASTM (Amer. Soc. for Testing and Materials) as Standards E903 and E892.

Registered Child Care Facility. In-home childcare for a maximum of 10 children and certified by the Child Care Division of the State of Oregon.

Registered Consulting Arborist. *See Arborist.*

Regulated Tree. *See Tree.*

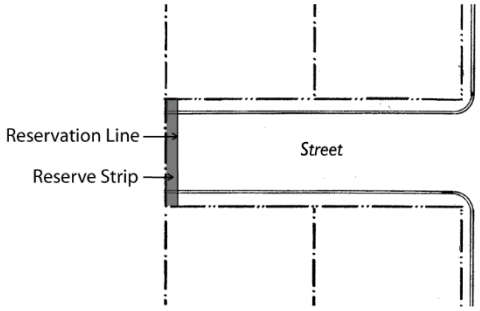
Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Remodel. Changes to an existing building that result in the demolition of less than 50% of its exterior walls, no additional floors and no additions that result in new street facing facades. Subsequent applications for remodels may be applied for a minimum of one year after the issuance of the Certificate of Occupancy for the prior remodel.

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

Repair Sign. S*ee Signs.*

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



Residentially Designated Land. Includes land in the following land use districts: LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF, DRL-1, DRL-2, CNRM, LDR-GB, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW.

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

Restoration. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***

Retirement Housing. *See Elderly Housing.*

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

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

Riparian. *See ~~Habitat Conservation Area Definitions, **Section 3.0120***** *Article 5 Definitions, **Section 3.0120***

Rockwood Design District. *See Design District.*

Roof. A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

- **Roof, Butterfly.** A roof where planes are designed so the middle of the roof is lower and the outer edges are higher.
- **Roof, Gable.** A roof identified by the straight slope falling from ridge to eave, creating a peak or triangle on the side or front façade. Gables structures have rakes on the gable facades and eaves on the non-gabled facades.
- **Roof, Hipped.** A roof that slopes on all sides up to a peak or ridge.
- **Roof, Mansard.** A roof having two slopes on its sides, with the lower slope almost vertical and the upper almost horizontal. These roofs often allow a tall attic space, frequently used to add an upper story.
- **Roof, Shed.** A roof having only one sloping plane.

Roof Sign. S*ee Signs.*

Roof Line Sign. S*ee Signs.*

Rotating Sign. S*ee Signs.*

Routine Repair and Maintenance. *See ~~Habitat Conservation Area Definitions, **Section 3.0120***** *Article 5 Definitions, **Section 3.0120**.*

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

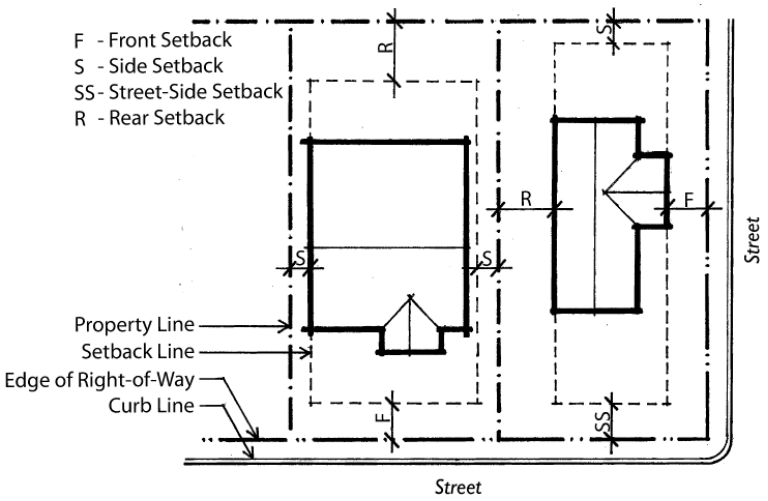
School, Commercial. A for-profit education facility that can include instruction in arts, crafts, and trades. A commercial school is not an elementary, middle or high school.

Scoring. A technique used to divide a sidewalk area by patterning grooves in the concrete for aesthetics or to control cracking.

~~**Sensitive Species**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

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

Setback. The minimum or maximum allowable horizontal distance from a given point or line of reference to the nearest exterior wall or other element of a structure as defined herein, or to other relevant site features as identified in the respective land use district. The point or line of reference will be the lot line following any required dedication, future street widening or a special or reservation line if one is required pursuant to this ordinance.



Setback Adjustment. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Severe Crown Reduction. *See Tree Related Definitions,* ***Section 3.0150.***

Shade Tree. *See Tree.*

Shelter. A facility, or part of a facility, providing temporary protective sanctuary for the homeless or victims of crime or abuse, including emergency housing during crisis interventions for individuals, such as victims of rape, child abuse, or domestic violence.

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

Side Lot Line. *See Lot Line.*

Sidewalk. Any paved or unpaved walkway for use by non-vehicular traffic and capable of use by pedestrians. Public sidewalks are located within a public right-of-way, a public access easement, a dedicated public access way, or the land located between the curb line or outside edge of the pavement of any road, street or highway and the adjacent property line. Private sidewalks are located outside the public

right-of-way.

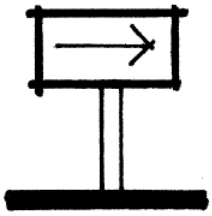
Side Yard. *See Yard.*

Significant Negative Impact. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Significant Tree, Significant Grove. *See Tree.*

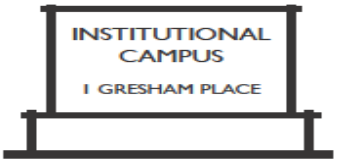
Signs. Materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from a right-of-way, private roadway or another property.

- **Abandoned Sign.** A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.
- **A-Board Sign.** A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground. Is normally associated with business activity and is placed-out-of-doors during business hours for display and returned indoors when the business is closed.
- **Animated Sign.** A sign portraying moving images, either in the form of moving lights, animation, or television like real images.
- **Awning Sign.** A sign incorporated into or attached to an awning.
- **Awning Sign, Illuminated.** A sign made of a translucent flexible covering designed in awning form. Such signs are internally illuminated.
- **Balloon Sign.** Any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.
- **Banner Sign.** A temporary sign made of fabric or other non-rigid material with or without an enclosing framework.
- **Bench Sign.** A sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.
- **Direct Illumination Sign.** Exposed lighting or neon tube on the sign face.
- **Directional Sign.** A permanent Sign which is designed and installed solely for the purpose of pedestrian, bicycle and vehicular traffic direction and placed on the property to which the public is directed.

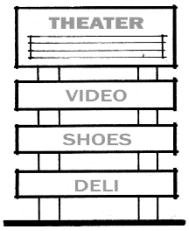


- **Directional Signs, Institutional Campus.** A directional sign located in an institutional campus.
- **Electronic Message Center Sign.** Signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.
- **Face Sign.** The display portion of a sign.
- **Fascia Sign.** A single faced sign attached flush to a building.
- **Fin Sign.** A sign which is supported by a pole or poles and partly by a building.
- **Flap Sign.** A rectangular piece of fabric or other material, of distinctive design, used as a symbol.
- **Flashing Illumination Sign.** Lights which blink on and off randomly or in sequence.
- **Free-Standing Sign.** A sign on a frame, pole or other support structure which is not attached to any building.

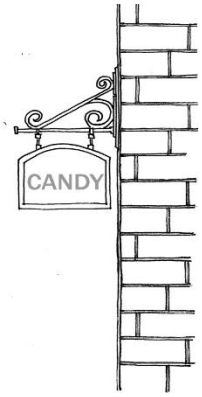
- **Indirect Illumination Sign.** The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
- **Installation Sign.** Installation shall include erecting, constructing, re-constructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of a free-standing multi-business complex sign.
- **Internal Illumination Sign.** The light source is concealed within the sign.
- **Internal Signs, Institutional Campus.** A sign located within the boundaries of the campus.
- **Maintenance Sign.** Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.
- **Mansard Wall Sign.** Any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.
- **Marquee Sign.** A sign incorporated into or attached to a marquee or permanent canopy.
- **Monument Sign**. A freestanding sign sitting directly on the ground or mounted on a base.



- **Moving Parts Sign.** Features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.
- **Multi-Business Complex Sign.** Premises planned and developed as a unit with an undivided or non-segregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.



- **Nonconforming Sign.** A sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
- **On-Site Directory Sign.** A sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.
- **Outdoor Advertising Sign.** A sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.
- **Painted Highlights Sign.** Painted wall highlights are painted areas which highlight a building's architectural or structural features.
- **Painted Wall Decoration Sign.** Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10% of the building wall, whichever is less.
- **Painted Wall Sign.** A sign applied to a building wall with paint and which has no sign structure.
- **Pennant Sign.** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.
- **Permanent Sign.** A sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short term use.
- **Portable Sign.** A sign designed to be transported which can be free-standing and unattached, or temporarily or permanently attached to the ground, structures or other signs.
- **Projecting Sign.** A sign attached and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.



Readerboard Sign. A sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

- **Repair Sign.** Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- **Roof Line Sign.** The lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.
- **Roof Sign.** A sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.
- **Rotating Sign.** Sign faces or portions of a sign face which revolve around a central axis.

- **Special Event Banner Sign.** A sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.
- **Structural Alteration Sign.** Modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.
- **Structure Sign.** A structure specifically intended for supporting or containing a sign.
- **Temporary Lawn Sign.** A temporary rigid sign no more than 6 square feet in area.
- **Temporary Rigid Sign.** A temporary sign made of rigid materials such as wood, plywood and plastic.
- **Temporary Sign.** Any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.
- **Under Marquee Sign.** A sign which is installed or maintained under and supported or partially supported by a marquee.
- **Unsafe Sign.** Any sign determined to be a hazard to the public by the Building Official or authorized representative.
- **Wind Sign.** Any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.
- **Window Sign, Inside.** A sign mounted or hung on the inside of a window that is visible from outside of the premises. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.
- **Window Sign, Outside.** A sign mounted or hung on the outside of a window. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

Single Family Dwelling. *See Dwelling Unit.*

Single Family Attached Dwelling. *See Dwelling Unit.*

Single Family Detached Dwelling. *See Dwelling Unit.*

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

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

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

Skilled Nursing Facility. *See Elderly Housing.*

Slope, Cross. Slope perpendicular to the direction of travel.

Slope, Running. Slope parallel to the direction of travel.

Solar Electric System. *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Solar Reflective Index (SRI). *See Renewable Energy Related Definitions,* ***Section 3.0140****.*

Solar Water Heating System. *See Renewable Energy Related Definitions,* ***Section 3.0140.***

Spandrel Glass. A type of opaque glass that when installed monolithically, in insulating units, or as laminated glass conceals beams, columns or other internal non-vision construction materials of

buildings. Spandrel glass is commonly used between certain sections of a building including the area between floors, columns, ceilings, and other small or large spaces. In addition to its use to conceal structural building materials, spandrel glass can also be used in an aesthetically appealing way to create an overall uniform glass-front appearance.

Special Event Banner Sign. S*ee Signs.*

Springwater Design District. *See Design District.*

Stand. *See Tree Related Definitions,* ***Section 3.0150.***

Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep Slopes. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

Storefront Window. A large ground-floor window of transparent glass located between the heights of two (2) and twelve (12) feet above grade and which is used for display purposes and/or for visibility into the store.

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

Stormwater Management Manual (SWMM). A manual adopted by the City to specify requirements and acceptable methods to provide for stormwater management (improving water quality and reducing volume/quantity) in the city.

Stormwater Planter. A rain garden with structural side walls constructed of concrete, steel, or other durable building material.

Stormwater Report. A plan documenting how stormwater quality and quantity will be addressed for a proposed development to meet requirements described in the Stormwater Management Manual, City codes, and Public Works Standards.

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

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

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

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. The topmost story shall include that portion of a building between the upper surface of

the topmost floor and the ceiling or roof above, including a hipped or other angled/pitched roof. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

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

Stream. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***

Street, Road or Highway. The portion of a public right-of-way that is open, used or intended for use by the general public for vehicles or vehicular traffic, including bridges, viaducts, other structures and any paved, graveled or dirt shoulder. Descriptions, classifications, and standards for streets, roads, or highways under City jurisdiction, are in the City's Transportation System Plan.

Structural Alteration Sign. S*ee Signs.*

Structural Soil. A type of soil or soil structure which meets the load-bearing requirement for structurally sound pavement installation while encouraging an enhanced growing environment and deep root growth for trees away from the pavement surface. Typical examples include CU (Cornell University) Structural Soil™ and sand based structural soil. For purposes of this Code, the term also includes structural cells that suspend and support pavement while allowing trees to access larger, low compaction organic mineral loam soil volumes such as Silva Cells™ or other comparable products equal to Silva Cells™.

Structure. Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground. See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

Structure, Accessory. A structure that is subordinate in size and purpose to the principal structure serving a purpose customarily incidental to the use of the principal structures. Accessory structures include residential detached carports, garages, and garden sheds.

Structure Sign. S*ee Signs.*

Stucco. An exterior finish composed of some combination of Portland cement, lime and sand (and sometimes additives such as glass fibers or acrylic) that are mixed with water, which dries into a hard-textured surface. Stucco shall be applied on a durable, solid substrate (such as metal lath or cementitious board) with a weather barrier and air gap/drainage channel; stone; brick; or cement block in a three-step process involving the base coat, scratch coat and finish/texture coat.

Subdivide Land. To divide land to create four or more lots within a calendar year.

Subdivision Lot. *See Lot.*

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

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

See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

Sun Screen/Sun Shade. Attached projecting, architectural feature designed to provide shading from the sun. A sun screen/sun shade is a rigid structure and can add a decorative element to building design, but provides a functional energy conservation benefit to the building by deflecting solar heating away from building windows or walls. (See also Canopy).

Temporary Health Hardship Dwelling. *See Dwelling Unit.*

Temporary Lawn Sign. S*ee Signs.*

Temporary Rigid Sign. S*ee Signs.*

Temporary Sign. S*ee Signs.*

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

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

Theme Park. A commercially operated park with indoor and outdoor entertainment, rides, games and activities such as motorized rides and water slides.

Title 3 Wetland. *See Article 5 Definitions,* ***Section 3.0120.***

Top. *See Façade.*

~~**Top of Bank**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Townhouse. Also known as "rowhouse", this building construction style is a single structure, usually two- or three-story in construction, that provides vertical separation between multiple two- or three-story units. Townhouse units may include: dwelling units on individual lots, dwelling units on a single lot, or as condominium units with the land area under common ownership. When developed with each unit on its own separate lot, a townhouse is also referred to in this code as "single-family attached dwelling units."

Tract. Any unit of land.

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

Transit Streets and Routes. Shown in the Transportation System Plan, of the Gresham Community Development Plan and categorized according to three classes:

- Future Transit Routes are anticipated for future transit service and may include all streets classified as minor arterial or higher.
- Transit Routes. Transit routes currently have existing but infrequent transit service. Transit Routes are subject to future designation as Transit Streets.
- Transit Streets are streets which are currently served by frequent transit service or streets that are designated as regional transit corridors in a regional growth plan or transportation plan.

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

Transitional Housing. Housing provided for an extended period and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Transitional Setback Space. An area between the property line and building that allows for a transition between the public realm of streets and sidewalks and the private use. This space can include porches, stoops, landscaped yards, gardens, hedges, low fences, and other elements that provide layers of transition.

Transitway. A transitway serves as an exclusive right-of-way for transit use, either bus or light rail.

Transom Window. A window above a door that is usually hinged to a horizontal crosspiece over the door.

Transportation Facility. A physical facility that is used to accommodate the movement of people or goods. Transportation facilities include, but are not limited to: sidewalks, paths, streets, roads, and highways. Transportation facilities do not include electricity, sewage, and water systems.

Tree. A large, perennial woody plant generally having a self-supporting stem, trunk or multi-trunks and numerous branches. Hedges and arborvitae are not considered trees.

- **Buffer Tree.** An evergreen or deciduous tree that has been approved as part of a buffering and screening plan.
- **Dead Tree.** A tree, as determined by a Certified Arborist, that has been damaged beyond repair or is in an advanced state of decline where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life.
- **Deciduous Tree.** A tree typically with broad, flat leaves that normally sheds leaves annually and becomes dormant for some period of time.
- **Evergreen Tree.** A tree with needles or leaves that remain alive and on the tree through the winter and into the next growing season.
- **Habitat Tree.** A tree either living or dead that provides nesting space for birds and/ or hollows for cavity dwellers and perches for those animals using the area for foraging or living space.
- **Hazardous Tree.** A tree that is a dead, dying tree, or an unstable live tree (due to disease, structural defects or other factors) that is within striking distance of a target, such as people or property; or has been diagnosed with a lethal pathogen recognized by a Consulting Arborist to present significant contagion risk to adjacent trees. A Hazard Tree has the potential to cause property damage, personal injury or fatality in the event of a failure.
- **Hogan Cedar Tree.** A unique form of *Thuja plicata*, the western red cedar, which grows naturally only in the Gresham area. The population center is located approximately where Hogan Road meets Johnson Creek.
- **Imminent Hazard Tree.** A hazard tree where more than 30 percent is estimated to fall within 72 hours into the public right-of-way or onto a target that cannot be protected, restricted, moved or removed.
- **Landscape Tree.** A tree that was approved as part of a landscaping plan, including "site" trees per Article 7.

- **Major Tree.** A tree that has a 12-inch DBH or greater (30-inches diameter at breast height for Trees First Policy). Major trees are those that contribute to the landscape character of the area, including Douglas-fir, red cedar, redwood, giant sequoia, oak, ash, birch, and maple. Major trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.
- **Native Tree.** A tree that is endemic (indigenous) to Oregon, occurring naturally in the area.
- **Non-Native Tree.** For purposes of tree removal, any tree (including shade trees) that originated as nursery stock and that does not qualify as a native Oregon tree.
- **Ornamental Tree.** A tree that is generally less than 25 feet tall at maturity and used in a landscape setting for decorative or aesthetic purposes.
- **Parking Lot Tree.** A tree which was approved as part of a parking lot plan.
- **Perimeter Tree.** An existing tree that has a Diameter at Breast Height (DBH) of 8 inches or greater, located within 5 feet of either side of a property line. Does not include trees on developed single-family lots, in the public right-of-way or within 5 feet of the public right-of-way.
- **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 Trees or Significant Trees.
- **Required Tree.** A protected tree subject to specific standards for removal and replacement that include Street Trees, Buffer Trees, Perimeter Trees, Landscape Trees and Parking Lot Trees of any size and other trees required to be planted by the Development Code. Required Trees are not Regulated Trees.
- **Shade Tree (or Canopy Tree).** A deciduous tree, planted primarily for its high crown of foliage or overhead canopy.
- **Significant Tree; Significant Grove.** A tree or group of trees that have been designated by the City as having unique importance, and subject to the Significant Tree Regulations of **Section 9.1000**, Tree Regulations.
- **Site Tree.** Any tree located within the property boundaries of a site. *See Site Definition, **Section 3.0103**.*
- **Street Tree.** A tree located in the public right-of-way between the curb, or edge of roadway, and the property line and trees located in a median. Trees located within a public right-of-way where no roadway exists are not considered street trees.
- **Tree Caliper.** An ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to 6 inches in diameter, caliper is measured at 6 inches above the ground level. Trees that are 6 to 12 inches in diameter, caliper is measured at 12 inches above the ground. For nursery stock above 12 inches in diameter, a DBH measurement is used (see Diameter Breast Height).
- **Tree Head Height.** A measurement from the ground to the lowest limb for a street tree.

Tree Caliper. *See Tree.*

Tree Protection Plan. *See Tree Related Definitions, **Section 3.0150.***

Tree Removal. *See Tree Related Definitions, **Section 3.0150.***

Tree Survey. *See Tree Related Definitions, **Section 3.0150.***

Tree Topping. *See Tree Related Definitions, **Section 3.0150.***

Tree Well. *See Tree Related Definitions, **Section 3.0150.***

Truck. *See Motor Vehicle.*

Underground Injection Control (UIC) System. As defined by DEQ: A well, improved sinkhole, sewage drain hole, subsurface fluid distribution system or other system or groundwater point source used for the subsurface emplacement or discharge of fluids.

Under Marquee Sign. *See Signs.*

Undevelopable area. An area that cannot be used practicably for a habitable structure because of:

- Natural conditions such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or
- Manmade conditions such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Unsafe Sign. *See Signs.*

Urban Development Value. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

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

Use, Accessory. A use that is incidental and subordinate to the main use.

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

Utility Facilities. *See Habitat Conservation Area Definitions,* ***Section 3.0120.***

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

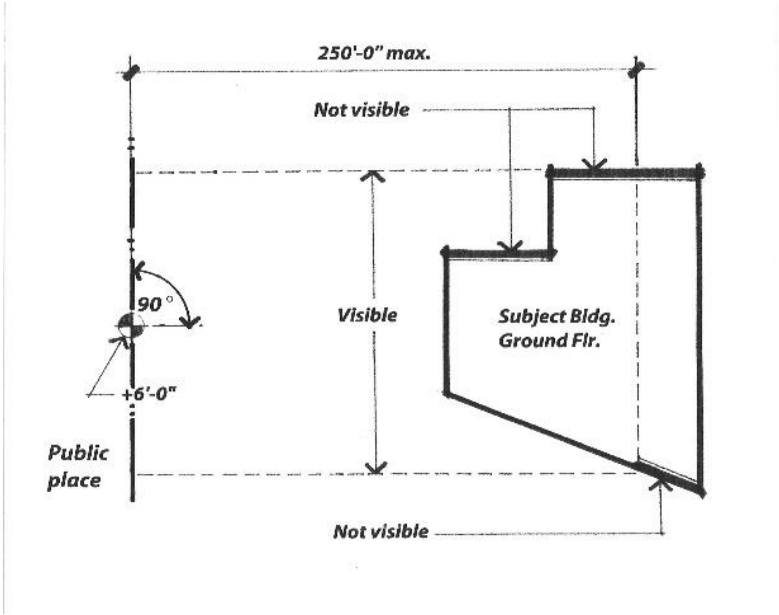
Vehicle, Recreation. A boat, camper, motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.

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

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

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

Visible. As used in Sections 4.1151B.5.D.1, 4.1151.B.6.D.9, 7.0002.D.8, 7.0003, 7.0003.E.5, 7.0503.B.4.D.11, 7.0503.B.5.D.7.a, 7.0603.B.1.D.2, and 11.0102.D.6, a structure is visible if its ground floor façade can be seen when viewed from 6 feet above grade, at a 90 degree angle from, and within 250 feet of the abutting property line of a public place.



Visible Transmittance. The amount of light that passes through a glazing material.

Walk, or Walkway. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

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

Water-Dependent. ~~*See Habitat Conservation Area Definitions, **Section 3.0120***~~ *See Article 5 Definitions, **Section 3.0120**.*

~~**Water Feature**. *See HCA, ESRA, Article 5 Definitions, **Section 3.0130.***~~

~~**Water Quality Resource Area**. *See HCA, ESRA, Article 5 Definitions, **Section 3.0130**.*~~

Waters of the State. ~~*See Habitat Conservation Area Definitions, **Section 3.0120***~~ *See Article 5 Definitions, **Section 3.0120**.*

Watershed. ~~*See Habitat Conservation Area Definitions, **Section 3.0120***~~ *See Article 5 Definitions, **Section 3.0120**.*

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

Wetland. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Identification and delineation of wetlands must be performed by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region.

Wind Sign. S*ee Signs.*

Window Mullion (or Mullion). A dividing element in a window or window opening which separates and supports individual panes of glass.

Window Sign, Inside. *See Signs.*

Window Sign, Outside. *See Signs.*

Wireless Communication Facility Tower or WCF Tower. A monopole or other structure not attached to a building that is erected to support wireless communication facility antennas and connecting appurtenances.

Woody Debris. *See Article 5 Definitions,* ***Section 3.0120.***

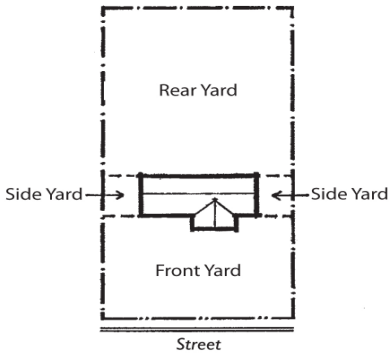
~~**Woody Vegetation**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

~~**Woody Vegetation Area**. *See HCA, ESRA, Article 5 Definitions,* ***Section 3.0130.***~~

Xeriscaping. A landscaping method that utilizes water-conserving techniques, such as the use of drought-tolerant plants and efficient irrigation.

Yard. An area on a lot between a primary structure and the lot lines. A yard extends from the ground upward. The portion of a yard required to be unoccupied by structures above grade - except for projections and the specific secondary uses or accessory structures allowed in such area as specified elsewhere in this ordinance - is known as a yard setback area.

- **Front Yard.** A space extending the full width of the lot between a building line and the front lot line or reservation line.
- **Rear Yard.** A space extending the full width of the lot between a building and the rear lot line or reservation line.
- **Side Yard.** A space extending from the front yard to the rear yard between a building and the nearest side lot line or reservation line.



Zero Lot Line. *See Lot Line.*

3.0120 ~~Habitat Conservation Area (HCA)~~ Article 5 Related Terms and Definitions

The following definitions apply within the ~~Habitat Conservation Area (HCA)~~ Hillside and Geologic Risk Overlay, Natural Resource Overlay, and to Floodplain-related applications, including but not limited to Section 5.0100, Floodplain Overlay District.

- **Aquatic Habitat.** Habitat structure that is the combination of vegetation, woody materials and certain configurations of pool and riffle sequences in the stream channel, off-channel wetlands, side channels, oxbows, meanders, backwaters, frequently flooded areas (10-year flood event or higher) and spawning gravel.
- **Areal Cover.** A measure of vegetative strata that defines the degree to which the canopy vegetative layer covers the ground surface.

- **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.
- **Below-Grade Crawl Spaces.** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
- **Building Footprint ~~(for Habitat Conservation Area)~~.** The area that is covered by buildings or other roofed structures. ~~A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below.~~ Building footprint also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. ~~Eaves are not included in building coverage. Underground facilities and structures are defined based on the foundation line.~~
- ~~**Building Site.** The area on a lot or parcel that is designated to contain a structure, impervious surface, or non-native landscaping.~~
- **Certified Engineering Geologist.** Any State of Oregon Registered Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705.
- **Critical Facility.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- **Dangerous Tree.** A tree that meets one of the following:
  - **(1)** A tree which is diseased, infested by insects or fungus, or rotting and which cannot be saved by reasonable treatment or pruning or which must be removed to prevent spread id the infestation or disease to other trees.
  - **(2)** A tree in such condition that presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning, Damage may include injury to people or damage to structures or vehicles within a target zone equal to the height of the tree. Conditions may include root damage, instability, and completely dead trees.
  - **(3)** A tree that will prevent emergency access in the case of medical hardship
- ~~**Developed Areas not Providing Vegetative Cover.** Areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.~~
- ~~**Developed Flood Area.** A flood area (a) upon which a building or other structure has been located, or (b) that is an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses; provided, however, that graveled areas shall not be considered developed flood areas.~~
- **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- **Disturb**. Man-made changes to the existing physical status of the land, which are made in connection with development. ~~The following uses are excluded from the definition:~~
  - ~~Enhancement or restoration of the HCA; or~~
  - ~~Planting native cover identified in the City of Gresham Native Plant List.~~
- ~~**Disturbance Area.** An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site. For new development, the disturbance area must be contiguous. The disturbance area does not include agricultural and pasture lands or naturalized areas.~~

- **Disturbance Area**. An area identified in an approved development permit that contains, or will contain, all legally allowed temporary and permanent development, exterior improvements, and staging and storage areas on the site. A disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:
  - **Permanent Disturbance Area**. The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements (including landscaping). The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed landscaped areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
  - **Temporary Disturbance Area**. The temporary disturbance area is the portion of the site that will be disturbed for the proposed development but not permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.
- **Ecological Functions (or Functions).** The primary biological, chemical, and hydrologic characteristics of healthy fish and wildlife habitat that must be present for natural systems to work properly.
- ~~**Effective Impervious Area.** A subset of total impervious area that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body of water~~
- **Environmental Technical Guidance Manual.** Compilation of the detailed processes, timelines, and available options for meeting the intent of the regulatory language within Gresham's Environmental Overlays, specifically the Natural Resource Overlay, the Hillside and Geologic Risk Overlay, and the Floodplain Overlay. Content of the guidance manual is to be used in tandem with development code and does not substitute for, amend, or supersede development code language of the environmental overlays.
- **Fill.** Any material such as, but not limited to, sand, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.
- **Flood Areas.** Those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).
- **Flood Management Areas.** All lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding**.**
- **Floodplain.** The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.
- **Geotechnical Engineer.** A Professional Engineer, registered in the State of Oregon provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- ~~**Habitat Conservation Area or HCA.** An area identified on the Habitat Conservation Areas Map and subject to the development standards of the HCA Overlay district.~~

- **High Slope Subarea or HSS**. Those lands within the Hillside and Geologic Risk Overlay boundary which have native slopes (prior to development) of 35% or greater. The boundaries of the subarea are based on a GIS-supported application of the mapping protocols in Section 5.0214.
- **High Value Resource Area or HVRA**. An area identified on the Natural Resources Overlay Map and subject to the development standards of the NRO district for High Value Resource Areas.
- **Hydrologic Unit Codes (HUCs).** Nationally standardized divisions of drainage basins, created by the United States Geologic Service (USGS) and Natural Resource Conservation Service, based on topographic, hydrologic, and other relevant landscape characteristics without regard for administrative, political, or jurisdictional boundaries. Hydrologic Units provide a standardized system for organizing, collecting, and reporting hydrologic information for the nation. Metro regional Hydrologic Unit Codes can be found on USGS's national database, the Watershed Boundary Dataset.
- **Invasive Vegetation.** Plant species that are listed as invasive plants or prohibited plants on the ~~City of Gresham Native Plant List because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.~~ City of Gresham Invasive Plant List (Gresham Revised Code 7.15.025).
- **Landslide.** The movement of a mass of rock, debris, or earth down a slope. Landslides are a type of "mass wasting" which denotes any down slope movement of soil and rock under the direct influence of gravity. The term "landslide" encompasses events such as rock falls, topples, slides, spreads, and flows. Landslides can be initiated by rainfall, earthquakes, volcanic activity, changes in groundwater, disturbance and change of a slope by man-made construction activities, or any combination of these factors.
- ~~**Low Structure Vegetation or Open Soils.** Areas that are part of a contiguous area one acre or larger of grass, meadow, crop lands, or areas of open soils located within 300 feet of a surface stream. Structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).~~
- ~~**Open Space.** Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and parks.~~
- **Ordinary High Water Mark.** The point below which the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the banks with respect to vegetation as well as with respect to the soil itself.
- **Other Waters.** Waters Of The State other than wetlands or streams.
- **Mitigation.** The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing natural resource areas.
- **Native Vegetation.** Vegetation listed as a native plant on the City of Gresham Native Plant List and any other vegetation native to the Portland metropolitan area provided that it is not listed as an invasive/ non-native, or a prohibited plant on the City of Gresham Native Plant List.
- **Potential Resource Area.** An area identified on the Natural Resources Overlay Map and subject to the development standards of the NRO district for Potential Resource Areas

- **Practicable.** Means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions. ~~The practicability of a development option shall include consideration of the type of HCA that will be affected by the proposed development. For example, High HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, so it should be more difficult to show that alternative development options that avoid the habitat are not practicable. On the other hand, Low HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat, so it should be less difficult to show that alternative development options that avoid the habitat are not practicable~~.
- **Private Public Property Interface.** The private-public property interface is the area where residential or commercial land use meets publicly owned spaces, most typically natural areas. The interface is somewhat synonymous with the term Wildland-Urban Interface, and is a focal area for the intermingling of divergent land management strategies, that being the management of a lands for aesthetic, human use, and viewshed purposes vs the management of lands for slope stability, wildfire prevention, habitat, water quality, flood attenuation, climate resiliency.
- **Recreational Vehicle.** A vehicle which is:
  - **(1)** Built on a single chassis;
  - **(2)** 400 square feet or less when measured at the largest horizontal projection;
  - **(3)** Designed to be self-propelled or permanently towable by a light duty truck; and
  - **(4)** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- **Restoration.** The process of returning a disturbed or altered area or feature to a previously existing natural condition.
- **Riparian.** Those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.
  - ~~**Riparian Area, Class I.** Class I areas are the highest value part of the HCA riparian corridor. Metro found that they provide three to five primary functions in their riparian model used for resource significance. The primary functions to sustain fish and wildlife including 1) microclimate and shade; 2) streamflow moderation and water storage; 3) bank stabilization, sediment and pollution control; 4) large wood and channel dynamics; and 5) organic material services. Class I riparian land features providing these functions include rivers, streams, stream associated wetlands, undeveloped floodplains, forest canopy (one acre or greater) within 100 feet of a stream, and forest canopy within 200 feet of streams on slopes of 25% and greater.~~
  - ~~**Riparian Area, Class II.** Class II areas are medium value riparian habitat. Metro found that they provide one to two primary functions to sustain fish and wildlife or a combination of one primary function and one or more secondary functions. Class II riparian habitat includes rivers, streams, a 50 foot area along developed stream segments, forest canopy or low structure vegetation (e.g. grass) within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II areas are elevated to Class I when they contain Habitats of Concern as shown on the Metro Habitats of Concern Map.~~
- **Routine Repair and Maintenance.** Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use. Demolition is not routine repair and maintenance.
- ~~**Setback Adjustment.** The placement of a building a specified distance away from a road, property line or protected resource.~~

- ~~**Significant Negative Impact.** An impact that affects the natural environment, considered individually or cumulatively with other impacts on the HCA, to the point where existing fish and wildlife habitat functional values are degraded.~~
- ~~**Steep Slopes.** Those slopes that are equal to or greater than 25%. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary that are available for development.~~
- **Stream.** A body of running water moving over the earth's surface including stream types classified as perennial or intermittent, channelized or relocated streams in a channel or bed, such as a creek, rivulet or river; or as reflected in the current definition of the Oregon Department of State Lands.
- **Structure.** Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling. *Structure*, for insurance purposes, means:
  - **(1)** A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
  - **(2)** A manufactured dwelling ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
  - **(3)** A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

  For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.
- **Subsidized Rates.** Mean the rates established by the Federal Insurance Administrator involving in the aggregate a subsidization by the Federal Government.
- **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
  - **(1)** Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  - ~~**(2)**~~ Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"
- **Title 3 Wetland.** Wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to city or county adopted Water Quality and Flood Management Area maps consistent with the criteria in Title 3, section 3.07.340(e)(3). Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities
- ~~**Urban Development Value.** The economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs ("employment value"), and the Metro 2040 design type designation of property. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map.~~
- **Utility Facilities.** ~~Buildings, structures or any constructed portion~~ Portions of a system which provide**s** for the production or transmission of heat, light, water, power, natural gas, sanitary sewer,

stormwater, telephone and cable television, communication and data. ~~Utility facilities do not include stormwater treatment facilities.~~

- **Linear Utility Facilities** – Any linearly constructed portion of such systems including manholes, pipes, and lines.
- **Non-Linear Utility Facilities** Buildings, structures or any non-linearly constructed portion of such systems including diversion structures, lift stations, pump stations, wellhead facilities, and multi-lot stormwater facilities

- **Water Dependent.** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
- ~~**Water-Dependent.** A use which can be carried out only on, in, or adjacent to water because it requires access to the water for waterborne transportation or recreation. Water-dependent also includes development, which by its nature, can be built only on, in, or over water. Bridges supported by piers or pillars, as opposed to fill, are water-dependent development. See also HCA, ESRA, Floodplain Article 5 definitions in **Section 3.0130** for specific applications of this term in those areas.~~
- **Waters of the State.** All natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.
- **Watershed.** A geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.
- **Woody Debris**.
  - **Coarse Woody Debris.** Defined as downed wood such as felled trees, logs, uprooted stumps, large branches and coarse roots. This includes dead wood in all stages of decomposition. Coarse woody debris is 3" or greater in diameter and does not include dead trees that are still standing, dead branches that are still attached to the tree, or exposed live tree roots.
  - **Woody Debris Stockpiling.** Intentional accumulation of Coarse Woody Debris in amounts exceeding 3' high and 6' in any horizontal direction.
  - **Large Woody Debris Placement.** Intentional placement of large (4" minimum diameter at midpoint) woody material (trees, logs, root wads, or major branches) in a waterway, for the purpose of improving the interaction of stream channel elements including water, sediment and bed material, nutrients, and aquatic organisms.

~~3.0130 HCA, ESRA, Floodplain and Article 5 Terms and Definitions~~

~~The following definitions apply within the Habitat Conservation Area (HCA) Overlay District; the Environmentally Sensitive Resource / Restoration Areas (ESRA) in Pleasant Valley (ESRA-PV) and Springwater (ESRA-SW); and to Floodplain-related applications, including but not limited to **Section 5.0100**, Floodplain Overlay District.~~

- ~~**Appeals.** A request for a review of the interpretation of any provision of this ordinance or a request for a variance.~~
- ~~**Aquatic Habitat.** Habitat structure that is the combination of vegetation, woody materials and certain configurations of pool and riffle sequences in the stream channel, off-channel wetlands, side channels, oxbows, meanders, backwaters, frequently flooded areas (10-year flood event or higher) and spawning gravel.~~

- **Areal Cover.** A measure of vegetative strata that defines the degree to which the canopy vegetative layer covers the ground surface.
- **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.
- **Below-Grade Crawl Spaces.** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
- **Critical Facility.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- **Ecological Features (or Features).** A distinctive natural resource element, quality or characteristic that contributes to an ecological function. Features include woody vegetation, tree groves, non-woody vegetation, water bodies, floodplain, aquatic habitat, sensitive species and structure.
- **Ecological Functions (or Functions).** The primary biological, chemical, and hydrologic characteristics of healthy fish and wildlife habitat that must be present for natural systems to work properly. Riparian ecological functions include water quality, channel dynamics and morphology (bank stabilization and sediment/pollution control, sources of large woody debris), water quantity (streamflow moderation and water storage), microclimate and shade, fish and aquatic habitat, organic material sources, and listed sensitive species as determined by the Oregon Department of Fish and Wildlife, the U.S. Department of Fish and Wildlife or the National Oceanographic and Atmospheric Administration. Upland ecological functions include terrestrial or upland wildlife habitat quality, terrestrial or upland sensitive species and upland interior habitat. Upland habitat quality is determined by tree canopy preservation, size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity of habitat to other habitat areas, and presence of unique habitat types.
- **Emergency.** Any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
- **Engineer.** A registered professional engineer licensed by the State of Oregon.
- **Enhancement.** The process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate beneficial processes and features that occur naturally.
- **Fill.** Any material such as, but not limited to, sand, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.
- **Flood Areas.** Those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).

- **Flood Management Areas.** All lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.
- **Floodplain.** The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.
- **Forest Canopy.** Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater areal cover by regulated trees, irrespective of whether the entire grove is within 200 feet of the relevant water feature.
- **Habitat-Friendly Development.** A method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include: clustering development to avoid habitat; using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance; managing storm water on-site to help filter rainwater and recharge groundwater sources; collecting rooftop water in rain barrels for reuse in site landscaping and gardening; and reducing the amount of effective impervious surface created by development.
- **Intermittent Streams.** Any stream that flows during a portion of every year and which provides spawning, rearing or food producing areas for food and game fish; or as reflected in the most current definition of the Oregon Department of State Lands. See also perennial "streams."
- **Invasive Non-Native or Noxious Vegetation.** Plant species that are listed as invasive/non-native plants or prohibited plants on the City of Gresham Native Plant List because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.
- **Mitigation.** The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.
- **Native Vegetation or Native Plant.** Vegetation listed as a native plant on the City of Gresham Native Plant List and any other vegetation native to the Portland metropolitan area provided that it is not listed as an invasive/ non-native, or a prohibited plant on the City of Gresham Native Plant List.
- **Non-Woody Vegetation (Herbaceous Plants**). Plants with a relatively short-lived shoot system that does not form a woody stem. Non-woody plants consist of herbs such as forbs, grasses or ferns or herbaceous vines.
- **Perennial Streams.** Streams with flows that last throughout the year; or as reflected in the current definition of the Oregon Department of State Lands. See also intermittent streams.
- **Recreational Vehicle.** A vehicle which is:

  (5) Built on a single chassis;

  (6) 400 square feet or less when measured at the largest horizontal projection;

  (7) Designed to be self-propelled or permanently towable by a light duty truck; and

  (8) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- **Restoration.** The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.
- **Sensitive Species.** Those naturally reproducing species which may become threatened or endangered throughout all or any significant portion of their range in Oregon as identified by the Oregon Department of Fish and Wildlife, the U.S. Department of Fish and Wildlife or the National Oceanographic and Atmospheric Administration.
- **Stream.** A body of running water moving over the earth's surface including stream types classified as perennial or intermittent, channelized or relocated streams in a channel or bed, such as a creek, rivulet or river; or as reflected in the current definition of the Oregon Department of State Lands. See also intermittent and perennial streams.
- **Structure.** Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling. *Structure*, for insurance purposes, means:

  (4) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

  (5) A manufactured dwelling ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

  (6) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

  For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.
- **Subsidized Rates.** Mean the rates established by the Federal Insurance Administrator involving in the aggregate a subsidization by the Federal Government.
- **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

  (3) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

  (4) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- **Top of Bank.** The same as "bankful stage" defined in OAR 141-85-010.
- **Water Dependent.** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
- **Water Feature (Body).** All rivers and streams meeting the Oregon Department of State Lands for the definition of 'Waters of the State. These include also intermittent streams, springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.
- **Water Quality Resource Area.** An area identified by a city or county as a Water Quality Resource Area in order to comply with Title 3 of Metro's Urban Growth Management Functional Plan, Metro Code sections 3.07.310 - 3.07.370.

- ~~**Waters of this State.** All natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.~~
- ~~**Watershed.** A geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.~~
- ~~**Woody Vegetation Area.** Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure).~~
- ~~**Woody Vegetation.** Perennial plants that have hard, lignified tissue/stems that grow outward year after year and that are composed of cellulose and lignin based tissue. Woody vegetation includes both trees and shrubs.~~

3.0140 Renewable Energy Related Terms and Definitions

The following definitions apply to the application of **Section 10.0900**, Renewable Energy and sustainability sections within design district standards.

- **Battery Charging Station.** *See Electric Vehicle Charging Station*.
- **Battery Charging Unit.** *See Electric Vehicle Charging Unit*.
- **Battery Exchange Station.** A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery.
- **Biogas.** Generation of energy through the combustion of biological materials to produce heat, steam, or electricity.
- **Blade.** The extensions from the hub of the wind energy turbine which are designed to catch the wind and turn the rotor to generate electricity.
- **Electric Vehicle.** Any vehicle that operates, either partially or exclusively, on electrical energy either from the grid or an off-board source. Electric vehicle examples include vehicles such as a battery electric vehicle and a plug-in hybrid electric vehicle.
- **Electric Vehicle Charging Station.** A cluster of multiple electrical component equipment assemblies or units designed specifically to charge batteries for multiple electric vehicles on a site as a for-profit fueling station. *See also Battery Exchange Station*.
- **Electric Vehicle Charging Unit.** A parking space that is served by battery charging equipment whose primary purpose is to charge batteries within electric vehicles via the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- **Photovoltaic Panel.** A device used for the production of electric power through the conversion of light to electric power by semiconductor devices.
- **Renewable Energy Systems.** Systems which produce energy from sources that do not use up finite natural resources. Examples include solar, wind, biomass, geothermal, and micro-hydro.
- **Solar Electric System.** Equipment and devices that convert and store or transfer energy from the sun to produce electricity that is distributed to the building via an electrical panel or to the grid, offsetting electric energy that would otherwise be purchased from the utility. It typically consists of two primary components:
    - Photovoltaic panels or cells, which are commonly installed on the roof or the building walls or windows; and
    - One or more inverters, which convert the direct current electricity produced by the panels into alternating current electricity that can be used by the building or stored in batteries.

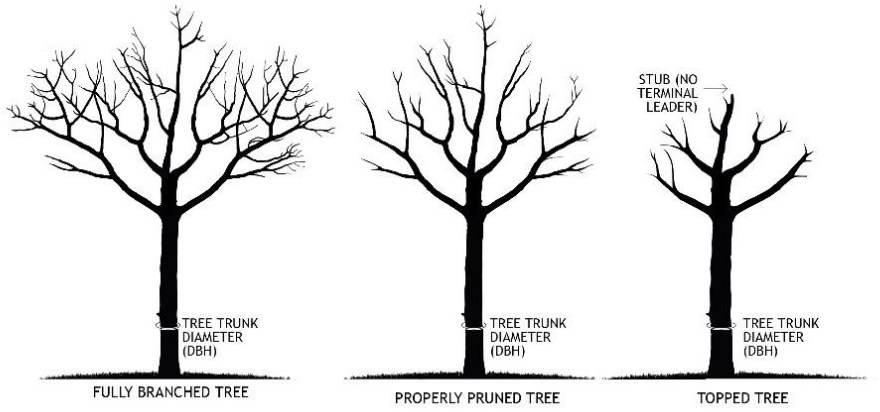
- **Solar Reflective Index.** A measure of the constructed surface's ability to reject or reflect solar heat (e.g. a roof) as shown by a small temperature rise. It is defined so that a standard black surface (reflectance 0.05, emittance 0.90) is 0 and a standard white surface (reflectance 0.80, emittance 0.90) is 100. The standard reflective index combines reflectance and emittance into one number. Once the maximum temperature rise of a given material has been computed, the index can be computed by interpolating between the values for white and black. Materials with the highest values are the coolest choices for roofing.
- **Solar Water Heating System.** Equipment and devices that have the primary purpose of collecting solar energy by preheating water so that the water heater or boiler reduces energy consumption. The system typically consists of two primary components:
    - Solar collectors, which are commonly installed on the roof or the building walls or windows; and
    - A storage tank, which is typically co-located with the water heater and in which potable water is preheated by the solar collectors via a heat exchanger.

3.0150 Tree Related Terms and Definitions

The following definitions apply to Tree-related applications, including but not limited to Section **9.1000**, Tree Regulations.

- **Clear Cutting.** Any tree removal which leaves fewer than an average of 1 tree per 1,000 square feet of lot area, well-distributed throughout the entirety of the site. This definition does not apply to sites that have fewer than an average of 1 tree per 1,000 square feet of lot area at the time development is proposed, except for sites from which the current owner or the proposed developer or his or her representative has removed Regulated Trees in excess of the number that may be removed without a development permit under **Section 9.1024(D)** of the Development Code.
- **Critical Root Zone.** ~~The rooting area of a tree, primarily within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival~~. A protection area beneath a tree containing sufficient roots required for future tree health and stability and delineated by a circle with a minimum radius of 1' for each 1" of trunk diameter (see DBH), measured horizontally from the base of the tree.
- **Crown Cover.** The area within the drip line or perimeter of the foliage of a tree.
- **Diameter Breast Height (DBH).** The diameter measurement of the trunk or stem of a tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides. For multi-stemmed trees, the size is determined by measuring all the trunks at 4.5 feet, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk.
- **Dripline.** An imaginary line along the ground that reflects the outermost extent of foliage of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.
- **Pruning.** The removal of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the removal of branches three inches in diameter or greater. Major pruning also includes root pruning and removal of branches and limbs that would constitute more than 20% of the trees foliage area. Minor pruning includes removal of deadwood and pruning less than 20% of the tree's foliage area.
- **Severe Crown Reduction.** The specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning.

- **Stand.** As applied to trees, a group of two or more trees growing in a continuous area. Also known as a grove or tree group.
- **Tree Protection Plan.** A detailed description of how trees intended to remain after development will be protected and maintained.
- **Tree Protection Zone.** The area of protection 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 measured at 4.5 feet above ground, or as determined by a Certified Arborist.
- **Tree Removal.** The act of removing a tree by digging up or cutting down, or the effective removal through irreversible damage of roots, stems, or crown, including tree topping.
- **Tree Survey**. A scaled drawing that provides the location of all trees having an eight inch or greater DBH that designates the common or botanical name of those trees, and their DBH.
- **Tree Topping.** The practice of cutting the dominant central stem or the most ascending branches leaving stubs or lateral branches that are too small to assume the role of a terminal leader. Generally, cutting back the dominant or most ascending stem to a diameter exceeding 15 percent of the tree's diameter at breast height (DBH), or as determined by a Certified Arborist, will be considered topping.



- **Tree Well.** A space within a sidewalk or other impervious area that has been created specifically as an area for a tree's root system to grow.
- **Urban Forest.** Trees within a city located on public and private property that are located within specific urban environments that have particular physical characteristics, provide various benefits and serve different needs.

3.0160 Temporary, Intermittent and Interim Uses Terms and Definitions

The following definitions apply to **Section 10.1400, Temporary, Intermittent and Interim Uses**.

- **Agricultural Products Sales.** A retail sales operation for the sale of agricultural products, such as fresh fruits, produce, flowers, nursery plants and nursery trees, where more than 75 percent of the product display area is of agricultural products. Agricultural product sales typically occur in a tent, the open air or in temporary structures such as greenhouses. Exception: Farmers' Markets.
- **Christmas Tree Sales.** A retail sales operation primarily for the sale of Christmas trees that typically occur outside a building in a tent or in the open air. Sales can also include other items, such as related holiday items and food and beverages.
- **Commercial Stand.** The sale of goods, services or merchandise from a location outside of a building in a mobile unit, tent or in the open air where less than 50 percent of sales is a combination of food and beverages. Exceptions include garage sales; residential lemonade stands and similar

short-term sales associated with residential uses; Agricultural Product Sales and Food and Beverage Carts.

- **Farmers' Markets.** Events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food, and some may be community groups, services or other vendors or organizations. Farmers' markets occur on a regular basis in the same location and are open to the public.
- **Film Production Studios and Trailers.** Mobile units or prefabricated structures for temporary use during the filming of motion pictures.
- **Fireworks Sales.** A retail operation for the sale of fireworks that requires a state permit. The use typically occurs outside of a building in a tent or in the open air.
- **Intermittent Lodging.** A building, or part of a building, providing temporary protective sanctuary for the homeless or victims of crime or abuse on an occasional basis during the year. Exceptions: Emergency or disaster shelters established during times of natural or man-made emergencies or disasters and Warming/cooling Shelters.
- **Mobile Unit.** A vehicle such as a trailer, van, truck or recreational vehicle.
- **Real Estate Sales Office.** A temporary sales office, such as in a prefabricated building, mobile unit or model home, selling real property in a subdivision or on a tract of land within the city.
- **Special Event.** A special event is a single event or a series of events anticipated to include at least 50 people not part of the normal course of business at the location as determined by the Manager. This includes festivals, circuses, concerts, exhibitions and fairs. It does not include events such as neighborhood block parties; religious services at places of worship; events at institutional campuses designed for events; events that only require a City street closure or parks permit; an outdoor commercial use in commercial locations where they are allowed; or outdoor sales displays in location where they are allowed. Food and beverage sales are allowed as part of a special event.
- **Temporary Commercial, Institutional or Industrial Building.** The use of a prefabricated building for conducting the affairs of a business, professional service, institution, industry or government for a limited period to accommodate construction of a new building; construction related to the renovation or expansion of an existing building or buildings; unforeseen events such as fires, windstorms or floods; or similar temporary needs as approved by the Manager. Exception: Portable classrooms.
- **Temporary Dwelling.** Use of an existing house or a manufactured dwelling during construction of another house on the same lot or use of a manufactured dwelling on the same lot to live in temporary because of an unforeseen event such as a fire, windstorm or flood.
- **Warming/Cooling Shelter.** A building or part of a building providing temporary sheltering for persons affected by extreme cold or high heat. Exceptions: Intermittent Lodging and emergency or disaster shelters established during times of natural or man-made emergencies or disasters.

SECTION 5.0200
HILLSIDE AND GEOLOGIC RISK OVERLAY (HGRO)

General

Standards

Process

5.0201 Purpose

The purpose of the Hillside and Geologic Risk Overlay (HGRO) is to ensure that development in or adjacent to hillside areas occurs in such a manner as to:

A. Minimize the potential for earth movement and resultant hazards to life and property.

B. Minimize soil erosion and siltation.

C. Protect water quality.

D. Minimize vegetation removal in sloped areas.

E. Protect the aesthetic and scenic qualities of hillside areas.

F. Assure the compatibility of new development with surrounding areas.

G. Encourage site and building design which is consistent with the natural topography.

H. Minimize the cost of public infrastructure provision.

I. Provide for adequate access for emergency services.

5.0202 Coordination with Other Regulations

A. Allowed Uses. Uses permitted in the Hillside and Geologic Risk Overlay shall be those listed as permitted in the underlying district designated for the site unless conflicting standards apply.

B. Conflicting standards. The requirements of this Hillside and Geologic Risk Overlay (HGRO) apply in addition to other applicable local, state, regional, and federal development requirements. Conflicts between standards for allowed and conflicting uses shall be resolved as follows:

1. Where there is a conflict between the standards of the underlying district or the Planned Development standards and the standards of this HGRO, the standards of the HGRO shall apply.

2. Where there is a conflict between the standards of the HGRO and other overlay districts the most restrictive will apply.

3. Street Trees, Parking Lot Trees, Buffer Trees and all trees within approved Permanent Disturbance Areas are subject to the tree removal and mitigation requirements of **Section 9.1000**. All other trees within the HGRO are subject to the tree removal, protection, and mitigation requirements of the HGRO.

4. In all other situations, the most stringent of the conflicting standards apply.

C. Gresham Environmental Technical Guidance Manual. Clarifications, commentary and examples are given in the Gresham Environmental Technical Guidance Manual. Content of the Guidance Manual is to be used in tandem with development code and does not substitute for, amend, or supersede development code.

5.0203 Applicability

A. Unless exempt pursuant to **Section 5.0205**, the regulations of this chapter apply when the following regulated activities are proposed within the boundaries of the Hillside and Geologic Risk Overlay (HGRO) on the City's Community Development Plan Map:

1. Development or redevelopment.
2. All land divisions or property line adjustments.
3. Removing, cutting, mowing, clearing, burning, or application of herbicides to vegetation.
4. Changing topography, grading, excavating, or filling.
5. Resource Enhancement.
6. Construction or expansions of right-of-way improvements.
7. Placement or stockpiling of woody debris.

B. Development within an HGRO in accordance with the provisions of this Overlay shall not result in a change of the HGRO status of such developed areas on a property. In the case of a later development request seeking to develop within previously undisturbed HGRO on a property where a prior development request was subject to the provisions of this Overlay, the calculation of the maximum disturbance area allowed on the property shall be based on the location of the HGRO (or predecessor) at the time the previous development was approved.

C. For the purposes of this section "Lots created prior to January 15, 2021" means lots created through an application for tentative land division made prior to January 15, 2021 which did not expire.

5.0204 Prohibitions

The following prohibitions apply within the HGRO. These prohibitions do not apply to the continuation, in the same manner, of activities which were lawfully begun before the effective date of this ordinance, activities approved pursuant to the provisions of this Overlay under **Section 5.0208-5.0213**, or activities which are exempt in accordance with **Section 5.0205**. An activity continuing in the same manner means that there is no expansion in the scope of that activity within the HGRO.

A. Stockpiling of woody debris is prohibited as follows:

1. On or within 30 feet of a mapped landslide deposit or associated head and flank scarps (per current Department of Geology and Mineral Industries' SLIDO database);
2. Within 30 feet of a stream, as measured in horizontal feet from stream centerline; or
3. Within the Highly Sloped Subarea (HSS).

B. Any new gardens, lawns, structures, or development other than those allowed outright (exempted) or that is part of a regulated use that is approved by an HGRO permit.

C. The dumping of materials of any kind.

D. Grading, placement of fill, or the removal of native vegetation other than those allowed outright (exempted) or that is part of a regulated use that is approved by an HGRO permit.

5.0205 Exempt Uses and Activities

An exemption from obtaining a permit under this section does not exempt development from obtaining permits required by other sections of the code.

A. Exemptions for HGRO Areas including HSS. Uses and activities meeting one or more of the following descriptions are exempt from the permit requirements of the HGRO standards.

1. A building permit for a phased development project for which the Applicant has previously met the application requirements, as long as the area of new construction was identified on the original permit and no new portion of the HGRO will be disturbed.
2. Operation, maintenance or repair of existing improvements.
3. Alteration or replacement of existing structures that do not alter building footprint.
4. The trenchless subsurface installation of utilities (e.g., via boring, jacking, or microtunneling), provided there is no vegetation removal beyond the limits of this section, no earth movement, and no impacts to trees (e.g., damage to the root zone).
5. The planting of trees as designated and identified on the Gresham Native Plant List.
6. The planting, removal, or maintenance of Street, Parking Lot, or Buffer Trees as defined in **Section 9.1014**
7. The planting and maintenance of landscaped areas within an approved permanent disturbance area, including tree removal.
8. Pruning and maintenance of trees which adheres to ANSI pruning standards.
9. Restoration work including stand management-related removal of no more than 3 trees when conducted as part of an annual restoration plan approved by the City.
10. Fencing, excluding construction of walls.

B. Additional Exemptions for HGRO Areas other than Highly Sloped Subarea (HSS). Except within the HSS, the following uses and activities are exempt from the permit requirements of the HGRO standards provided that in no case shall the activity result in the removal of any non-required trees over 6 inches DBH (see definition of "Required Tree" in Section 3.0103) outside of a permanent disturbance area or leave more than 500 square feet of ground exposed (devoid of stabilizing vegetation) between October 1 and May 1.

1. One time excavation or filling of land (including temporary stockpiles) not exceeding 10 cubic yards per lot.
2. one time installation of impervious surface not exceeding 1,000 square feet per site.
3. Construction of retaining walls not exceeding 4 feet in height.

4. Construction of ponds and in-ground swimming pools not exceeding 1.5 cubic yards.

5. Any development that does not require a building permit except for development activities which exceed one or more of the thresholds in 1 through 4, above.

6. Outdoor bike and pedestrian recreation facilities for public use, limited to accessways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture.

5.0206 Permit Required

Unless exempt pursuant to **Section 5.0205**, a Hillside and Geologic Risk Overlay (HGRO) permit is required for all regulated activities within the HGRO as specified in **Table 5.0206-1.**

Table 5.0206-1 Permit Procedure and Applicable Standards for Development within an HGRO

Proposed Activity or Request	Permit Procedure	Applicable Standards
Hillside and Geologic Risk Overlay permits review concurrent with land use application except as specified below	Same as concurrent land use application	varies
Programmatic Permit	Type II	Section 5.0208(D)
Alternate Review	Type II	Section 5.0212
Modification of HGRO Standards	Type II/III	Section 5.0213
Verification of a Disturbance Area boundary on a developed lot with no concurrent land use application	Type I	Section 5.0207(E)
All other Hillside and Geologic Risk Overlay permits with no concurrent land use application	Type I	varies

5.0207 HGRO Application Requirements

Applications must include the items required for the applicable procedure type in accordance with **Article 11**, other applicable sections of the code, Gresham Environmental Technical Guidance Manual, and the HGRO application submittal requirements as specified in **Table 5.0207-1**. Applications for Alternative Review must also include the submittal requirements specified in **Section 5.0212.**

Table 5.0207-1 HGRO Submittal Requirements

Proposed Development Activity	Submittal Requirements in 5.0207
Tree removal (non-exempt) (other than tree removal pursuant to a programmatic permit submitted in accordance with **Section 5.0208(D)**)	• Tree Removal / Protection / Revegetation Plan and Documentation (**Subsection (A)**)
Tree removal pursuant to a programmatic permit in accordance with **Section 5.0208(D)**	• Tree Removal / Protection / Revegetation Plan and Documentation (**Subsection (A)**) • Certification and Documentation (**Subsection (C)**) if storage of woody debris exceeds dimensions • Additional Plans and Narrative **Subsection (D)**

Proposed Development Activity	Submittal Requirements in 5.0207
All other non-exempt development activities (e.g., design review, special use review, building permits, land divisions, etc.)	• Tree Removal / Protection / Revegetation Plan and Documentation (**Subsection (A)**) • Construction Management and Preliminary Grading Plan (**Subsection (B)**) • Certification and Documentation (**Subsection (C)**) • Additional Plans and Narrative (**Subsection (D)**)
Verification or establishment of a disturbance area boundary on a developed lot with no concurrent land use application	• Disturbance Area Boundary Verification (**Subsection (E)**)

A. Tree Removal, Protection, and Revegetation Plan. A Tree Removal, Protection, and Revegetation Plan that includes, at a minimum, the following:

1. Evidence regarding the credentials of the qualified professional (e.g. certified arborist, geotechnical professional, or landscape architect) who made assessments or prepared the plan.

2. If Applicant is requesting tree removal on the basis that the tree(s) is on the City of Gresham Invasive Plant List, the identity of the species including in-focus, high resolution photographs supporting identification of species such as habitat, trunk, crown, flowers, fruits, branches, twigs, and leaves.

3. If Applicant is requesting tree removal on the basis that the tree(s) meets the definition of dangerous tree, an International Society of Arboriculture (ISA) basic tree risk assessment prepared by a qualified arborist is required.

4. If tree replacement is required but cannot be achieved onsite (per **Section 5.0208(C)(6)**), a statement that the Applicant proposes to make a payment-in-lieu and documentation supporting this request.

5. A tree removal / revegetation map identifying the following:

    a. The boundary of the entire project site and the boundary of the HGRO (and HSS, if applicable) on the site;

    b. The location on the site where tree removal is proposed;

    c. The species, size, and location of individual trees over 6 inches DBH that are proposed for removal;

    d. All trees 6 inches DBH or greater (numbered) within 50 feet of trees to be removed;

    e. The methods used to protect all other trees over 6 inches DBH on the site; and

    f. The species, size and location of mitigation trees (if proposed).

B. Construction Management and Preliminary Grading Plan. In addition to any other plan required by **Section 9.0500**, the application shall include a construction management and preliminary grading plan that includes, at a minimum, the following:

1. Location of site access and egress that construction equipment will use.

2. Equipment and material staging and stockpile areas.

3. Erosion and sediment control measures in accordance with the City of Gresham "Erosion Prevention and Sediment Control Manual" appendix of the Gresham Stormwater Management Manual.

4. Critical Root Zone of all trees to be preserved within the Disturbance Area and within 50 feet of the Disturbance Area (measured in horizontal distance from the edge of Disturbance Area) and location and type of tree protection (per Gresham Environmental Technical Guidance Manual).

5. Location and square footage of all disturbance areas to be cut, filled or cleared, including but not limited to roads, sidewalks, utilities, yards and landscaping, building envelopes or pads (buildable areas), driveways, and other accessways. The total square footage shall also be summed and expressed as a percentage of the total area of the parcel. Grading area limitations are described in **Sections 5.0209, 5.0210 and 5.0211.**

C. Certification. A certification form (provided by the City) must be prepared, or reviewed and stamped by a Certified Engineering Geologist or Geotechnical Engineer and submitted along with any documentation and plans relied on in issuing the certification. The purpose of the Certification is to ensure that development in or adjacent to hillside areas is evaluated by a Certified Engineering Geologist or Geotechnical Engineer to ensure it is designed in a manner that provides for public health, safety, and welfare.

1. Where certification is required for a permit, a permit shall *only* be issued if a Certified Engineering Geologist or Geotechnical Engineer affirms and certifies the following based on their professional opinion. A permit shall not be granted if a Certified Engineering Geologist or Geotechnical Engineer does not affirm and certify the following based on their professional opinion. :

    a. Potential landslide hazards identified for this site and nearby and the DOGAMI Interpretive Map Series 57 (IMS-57) Landslide hazard and risk study of central and western Multnomah County, Oregon, by William J. Burns, Nancy C. Calhoun, Jon J. Franczyk, Kassandra O. Lindsey, and Lina Ma, 2018 (Report and Data) have been reviewed;

    b. The proposed development activity was reviewed according to industry standards for geologic engineering in Oregon;

    c. Either:

        i. That the proposed development activity will not be negatively impacted by, or cause negative impacts to onsite and offsite engineering geological conditions, processes, and hazards, including but not limited to, existing or

post development soil stability or any of the following site features: springs or seeps, depth of soil to bedrock, variations in soil types, or a combination of these conditions; or

ii. If proposed development activity will be negatively impacted by, or cause negative impacts to onsite and offsite engineering geological conditions, processes, and hazards, including but not limited to, any of the features listed in **Subsection (C)(1)(c)(i)** above, the plans incorporate the methods for safely mitigating the impact(s).

d. Where applicable, attest to the following certification requirements stated in **Subsections 5.0208(D), 5.0209(A), 5.0209(D), 5.0211(B), 5.0212(B),** or **5.0212(C).**

2. Certification that is submitted pursuant to **Subsection (1)** shall include the Applicant's statement that they will develop the site in accordance with the Certified Engineering Geologist's or Geotechnical Engineer's certification and that they will schedule and perform the recommended geotechnical engineer or certified engineering geologist site inspections.

3. In determining if the Certification satisfies the permit requirements, the City shall review the Certification only to determine whether a Certified Engineering Geologist or Geotechnical Engineer has affirmed and certified that the proposal meets the above listed requirements. The City shall not substitute its judgement or discretion for the professional judgement of the Certified Engineering Geologist or Geotechnical Engineer.

D. Additional Plans and Narrative. Additional plans and narrative necessary as determined by the City to demonstrate compliance with the applicable standards of the HGRO.

E. Disturbance Area Boundary Verification. Owners of individual legal lots created and developed with a single family dwelling or duplex prior to January 15, 2021 who wish to establish or verify an approved permanent disturbance area boundary on that lot may submit a Disturbance Area Boundary Verification request form (provided by the City). The form shall be accompanied by aerial photography or other evidence that predates January 15, 2021 which identifies the location of all areas meeting the definition of permanent disturbance area. The date of the evidence must be verifiable by the City.

5.0208 Tree and Vegetation Standards within the Hillside and Geologic Risk Overlay (HGRO)

Trees and vegetation provide protection against soil erosion and earth movement as well as enhance the aesthetic value of those hillside areas that may be highly visible to the surrounding community.

A. Trees and Vegetation Protection. Except as provided in **Subsections (1)** through **(4)** below, land within the HGRO that is outside of a previously approved permanent disturbance area shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage during construction. Protection methods shall be in accordance with the Gresham Environmental Technical Guidance Manual. All trees within approved Permanent Disturbance Areas are subject to the tree removal and mitigation requirements of **Section 9.1000**. The following standards apply outside of an approved Permanent Disturbance Area:

1. A tree over 6 inches DBH can be removed in the following circumstances if mitigation is provided in accordance with **Subsection (B)**:

    a. The tree is identified as a species on Gresham Invasive Plant List by an arborist, professional wetland scientist, or landscape architect. Applications must include in-focus, high resolution photographs supporting identification to species such as habitat, trunk, crown, flowers, fruits, branches, twigs, and leaves;

    b. The tree is found to meet the definition of dangerous tree by a qualified arborist who has completed a basic tree risk assessment. The risk assessment shall be included with application. Conversion of a dangerous tree to a snag which involves the removal of part of the tree and retention as a habitat tree may be allowed with the dangerous tree permit; or

    c. The tree is within an approved temporary disturbance area and is less than 24 inches DBH.

2. Trees 6 inches DBH or less and other vegetation may be removed provided that the area is stabilized with vegetation as follows:

    a. No more than 500 square feet of ground shall be left exposed between October 1 and May 1 each year, and

    b. Disturbed soils shall be stabilized with new native vegetative cover prior to October 1 in any given year.

3. Trees shall not be removed before public facility construction plans are approved, building permits are issued, or relevant development permits are issued. When removing a tree, other trees on the site shall be protected from damage during construction, and any disturbed soils shall be stabilized with new vegetative cover by seeding. Protection methods shall be in accordance with the Gresham Environmental Technical Guidance Manual.

4. All required revegetation shall be installed per **Section 5.0208(C).**

B. Tree Replacement Quantity. The number of replacement trees required for tree removal shall be as specified below. Replacement trees shall be planted in accordance with **Subsection (C)**.

a. Dangerous Tree Removal, including conversion to Habitat Tree (snag). For each dangerous tree removed one replacement tree shall be planted.

b. Other tree replacement. Each tree removed for reasons other than dangerous tree replacement is subject to the replacement rates in **Table 5.0208-1.**

Table 5.0208-1 Tree Replacement

Diameter of Removed Tree (measured 4.5 feet above ground)	Number of replacement trees required
6" up to 24" DBH	2 trees
Above 24" up to 36" DBH	3 trees
Above 36" DBH	6 trees

C. Replacement Trees and Vegetation.

1. Location. Replacement trees shall be located as follows:

    a. Replacement of trees removed from the Highly Sloped Subarea (HSS) shall be located within the HSS.

    b. Replacement of trees removed from the HGRO outside the HSS shall be located within the HGRO outside of the Permanent Disturbance Area.

2. Species. Replacement trees and vegetation shall be as specified in the Gresham Environmental Technical Guidance Manual.

3. Size. Replacement Trees shall be one gallon, bareroot, plugs, or stakes as specified in the Gresham Environmental Technical Guidance Manual or at the discretion of the Applicant, as specified by an arborist.

4. Timing. Vegetation and trees required by **Subsections (A)** and **(B)** shall be installed prior to acceptance of public facilities in the case of land division or approval of a final building inspection. Within the temporary disturbance area ground cover shall be planted before the next wet-weather period and trees shall be planted before the end of next wet-weather period (October 15 to March 15) or as otherwise specified in the permit. In the case of dangerous tree removal replacement trees shall be planted during the wet weather season following the removal.

5. Payment-in-lieu. The cost of payment-in-lieu of on-site tree replacement shall be determined by the City Council based upon the area of canopy loss for the removed trees, less any canopy gain from the new plantings that were installed on site. Payment-in-lieu of replanting is only allowed if the City determines:

    a. There is insufficient area on the lot to meet the standard tree replacement standards in **Section 5.0208(B)**; or

    b. Tree replacement or management provided within public open space, public right-of-way or a nearby Resource Area will be of greater benefit to area slope stability.

D. Programmatic Permit. Programmatic Permits may only be obtained by Public Agencies and Utilities with a Gresham franchise license to allow for routine public facility or utility operation, repair and replacement, and/or on-going maintenance or enhancement programs. The purpose of a Programmatic Permit is to eliminate the need for individual tree removal permits for ongoing

activities within the HGRO. Programmatic permits do not cover tree protection, removal, planting, or mitigation associated with a development permit.

1. Time Limits. The Manager may approve a Programmatic Permit for a period of up to 2 years. An annual report from the Applicant on activity conducted under the permit is required to be submitted to the Manager by June 30 each year. Failure to submit the annual report will result in cancellation/suspension of the Programmatic Permit.

2. Work Standards. All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices as detailed in the most recent version of ANSI A300 standards.

3. Review Factors. The Manager may approve a Programmatic Permit for work in the HGRO and HSS upon finding that the following review factors are met or will be met with conditions, according to the Gresham Environmental Technical Guidance Manual:

    a. Biodiversity: The activities will result in the same or better species diversity within each project area treated under the programmatic permit.

    b. Erosion Control: Activities will be planned to prevent exposed soil areas of greater than 500 square feet during the wet weather window of October 1 to May 1.

    c. Mitigation of Impacts: The activities will protect or improve project area conditions as they relate to water quality, critical habitat protection, and forest health.

    d. Risk reduction:

        i. Ignition fuel reduction at the private-public property interface shall occur before any additional coarse woody debris (CWD) is placed as part of stand management activities.

        ii. CWD shall be placed in a manner not likely to increase wildfire, slope movement, or public safety risks.

        iii. Deciduous vegetation will be preferred for retention in defined firebreak areas.

        iv. Coniferous vegetation will not be planted in defined firebreak areas.

        v. Suspended branch material is addressed as part of site activities.

        vi. Allowance for amount and location limitations for cut or chipped CWD are observed.

        vii. Snags or habitat tree retention is incorporated into project areas where retention of such features poses no risk to structures or active use areas.

        viii. Within areas mapped as past landslides according to DOGAMI IMS-57, or mapped as HSS, a Certified Engineering Geologist or Geotechnical Engineer must certify according to 5.0207(C) that vegetation removal, with the exception of dangerous tree removal, or deposition of CWD will not increase

geologic risk or otherwise cause negative impacts to onsite and offsite geologic conditions or processes.

4. Application Requirements. The application requirements in **Section 5.0207** do not apply. In addition to the requirements for a Type II application, an application for a programmatic permit shall include:

    a. A narrative description of proposed activities and locations.

    b. A map of the areas in which work will occur, including generalized locations of each type of work.

    c. Sufficient documentation to describe compliance with approval factors above.

5. Permit Specifications. Approved permits issued by the City shall include the following specifications. The Manager may modify these specifications during the permit period in order to respond to public safety concerns, changes in regulations, or previously unforeseen issues, provided the Applicant is notified in writing and provided an opportunity to appeal the change:

    a. Duration of permit.

    b. Geographic area covered by the permit.

    c. Permitted activities and any restrictions on the method, number, type, location or timing of activities.

    d. Procedures and thresholds for informing neighboring residents, businesses and the City of upcoming permitted activities.

    e. Monitoring, performance tracking and reporting requirements. The Manager may prescribe rules or procedures that specify the manner in which such tracking and reporting occur.

6. Revocation. The Manager may revoke a Programmatic Permit upon finding the Applicant is not adhering to the limitations imposed or is acting beyond the activities permitted by the Programmatic Permit. Noncompliance with the Programmatic Permit may also be cause for any other enforcement action as stated in **Section 5.0216**.

5.0209 General Standards for Development within the Hillside and Geologic Risk Overlay (HGRO)

In addition to other applicable standards in the code, the standards in this section apply to all regulated development within the HGRO. Development within the HGRO is also subject to the applicable standards for specific development types in **Section 5.0210**. In addition, development within the HSS is subject to the standards in **Section 5.0211**.

A. Grading, Retaining Wall Design, Footings, Foundations, Changes to Site Drainage, Ponds, Pools, and Erosion Control Plans. All grading, retaining wall design, footings, foundations, changes to site drainage, ponds, pools, and erosion control plans for development within the HGRO shall be shown on site plan(s) and be designed by a licensed design professional and must

be certified according to **5.0207(C)** to be in accordance with the recommendations and guidelines provided by a Certified Engineering Geologist or Geotechnical Engineer.

B. Clearing, **Cuts, Grading, or Fills.** Only land within an approved disturbance area shall be graded, cleared or otherwise disturbed. All cuts, grading, or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures shall conform to the City of Gresham Erosion Prevention and Sediment Control (EPSC) requirements as included in the City of Gresham's Stormwater Management Manual. Perimeter protection and protection of bare soils are required for ground disturbance exceeding 500 square feet.

C. Trees and Vegetation. Tree and vegetation removal shall comply with the standards in **Section 5.0208**.

D. Surface and Groundwater Drainage. All facilities for the collection of stormwater runoff for any development in the HGRO shall be required to be constructed on the site and in accordance with **Section 9.0500** and the following requirements:

1. Stormwater systems which infiltrate shall not be utilized within the HGRO except as provided in **Subsection 2**, below.

2. A Type II Alternate Review may be approved pursuant to **Section 5.0213** if a Certified Engineering Geologist or Geotechnical Engineer certifies according to Section 5.0207(C) that geologic conditions, processes, and hazards onsite and offsite will not be negatively impacted by the proposed infiltration of stormwater on the site.

5.0210 Standards for Specific Development Types within the Hillside and Geologic Risk Overlay (HGRO)

In addition to the general development standards in **Section 5.0209,** the standards in this section are applicable to specified types of development.

A. Single-family detached dwellings and duplexes. The following standards apply to proposed single-family detached dwellings and duplexes and to additions or alterations of existing single-family dwellings and duplexes and related accessory structures on existing legal lots created prior to January 15, 2021 unless otherwise exempt under **Section 5.0205**.

The disturbance area allowed within the HGRO shall meet the following standards:

1. The maximum disturbance area allowed on a lot is determined by subtracting all portions of the lot outside the HGRO from 6,000 square feet. If there is 6,000 square feet of contiguous land with a minimum depth and width of at least 40 feet outside of the HGRO, all permanent and temporary disturbance must occur outside the HGRO. If there is not a contiguous area of 6,000 square feet with a depth and width of at least 40 feet outside the HGRO, encroachment into HGRO shall be limited to the amount of area needed to make up for the deficit.

2. The disturbance area must be entirely outside the HSS except as provided in **Section 5.0212**.

3. Of the 6,000 square feet maximum disturbance area, no more than 4,000 square feet shall be permanent disturbance area.

4. Trees may be removed within the permanent disturbance area. Only trees less than 24-inch DBH may be removed in the temporary disturbance area. Replacement shall be in accordance with **Section 5.0208**.

5. Temporary disturbance areas shall be restored to predevelopment grade.

6. On lots where existing developed areas meeting the definition of permanent disturbance area exceed the standards of this subsection, such areas can be maintained or modified, but may not be expanded.

B. Land Divisions and Lot Line Adjustments. The following standards apply to all land divisions (including Planned Developments) and Lot Line Adjustments.

1. No density credit is permitted for portions of the site that are within the HGRO, except through a Planned Development, as provided by **Section 6.0300**.

2. On each proposed developable lot, Applicants shall identify a contiguous permanent disturbance area of at least 2,000 square feet with a minimum depth and width of at least 40 feet. Larger permanent and temporary disturbance areas may be shown on a lot, but all disturbance areas shall be included in the calculation of maximum disturbance area in **Subsection 3**.

3. No more than 55% of the total HGRO area on the site shall be included within a disturbance area (temporary and permanent). The disturbance area identified on each proposed developable lot shall be included in the calculation of maximum disturbance area for the land division or Planned Development. In order to meet this requirement, Applicants are encouraged to employ innovative site design techniques such as:

    - Limiting grading on building lots only to that area needed for driveways, walkways, building pads, and necessary retaining walls;
    - Limiting the total area of the site dedicated to roadways and paths while maintaining adequate connectivity and providing for adequate emergency access consistent with the roadway standards;
    - Locating roads and paths on less steeply sloped areas to minimize the width of graded areas needed for roads;
    - Designing and locating structures so that they fit into the contour of the hillside rather than altering the hillside to fit the structure;
    - Using retaining structures as an alternative to banks of cuts and fills;
    - Building designs, which require less grading, such as split-level and stair-stepping foundations and the use of piers;
    - Placing structures as close as possible to the street so as to minimize driveway construction in the sloped areas; and
    - Focusing development on areas outside the HGRO.

4. All disturbance areas must be entirely outside the Highly Sloped Subarea (HSS) except as provided in **Section 5.0212**.

5. Areas outside the permanent disturbance area shall be placed in an easement (public or private) or tract. If preservation is proposed to be private, it can be either by tract or as a part of an individual lot (with an easement). Public preservation shall be by tract only. Easement types shall be natural resource, open space, or public access easements, in accordance with **Section 9.0300** provided that the easement ensures that the land within the easement shall be left undisturbed and protected from construction and post-development impacts. Acceptance of proposed dedication of open space shall be at the City's discretion

C. Multi-Family, Commercial, Industrial and Institutional Development. The following standards apply to all Multi-Family, Commercial, Industrial, and Institutional development.

1. No more than 55% of the total HGRO area on the site shall be included within a disturbance area (temporary and permanent). In order to meet this requirement, Applicants are encouraged to employ innovative site design techniques such as:

   - Limiting grading to that area needed for driveways, walkways, building pads, minimum parking, solid waste collection facilities and necessary retaining walls.
   - Limiting the total area of the site dedicated to roadways, paths, and internal driveways while maintaining adequate connectivity and providing for adequate emergency access consistent with the roadway and parking lot standards.
   - Locating roads, paths, parking lots, and internal driveways on less steeply sloped areas to minimize the width of graded areas needed for roads.
   - Designing and locating structures so that they fit into the contour of the hillside rather than altering the hillside to fit the structure.
   - Using retaining structures as an alternative to banks of cuts and fills.
   - Placing structures as close as possible to the street so as to minimize driveway construction in the sloped areas.
   - Focusing development on areas outside the HGRO.

2. All disturbance areas must be entirely outside the Highly Sloped Subarea (HSS) except as provided in **Section 5.0212**.

5.0211 Additional Development Standards for Highly Sloped Subareas (HSS)

The HSS is a subarea of the HGRO. In addition to the general development standards in **Section 5.0210** and the applicable development standards in **Section 5.0211**, the standards of this section apply to regulated development within HSS.

A. Single-family detached and duplexes. The following standards apply to proposed single-family detached dwellings, duplexes, and additions or alterations of existing single-family dwellings, duplexes, and related accessory structures located in the HSS either on existing legal lots that

were created prior to January 15, 2021 or which were created through a PD in accordance with **Section (B).** The disturbance area allowed within the HSS shall meet the following standards.

1. The maximum disturbance area (permanent and temporary) allowed within the HSS is determined by subtracting all portions of the lot outside the HSS from 2,000 square feet. If there is an area of 2,000 contiguous square feet at least 40 feet in width and depth outside of the HSS, all permanent and temporary disturbance must occur outside the HSS. If there is not 2,000 square feet of land outside the HSS, encroachment into HSS shall be limited to the amount of area needed to make up for the deficit.

2. On lots where existing developed areas meeting the definition of permanent disturbance area exceed the standards of this subsection, such areas can be maintained and modified, but may not be expanded.

B. Land Divisions and Lot Line Adjustments. The following standards apply to all land divisions (including Planned Developments) and Lot Line Adjustments.

1. No new lots which include HSS shall be created except through a Planned Development (PD).
2. The following standards apply to all Planned Developments that include HSS.
    a. Permanent disturbance areas may include HSS only when the PD is 10 acres or more in size;
    b. No more than 30 percent of the total HSS on the site may be included within permanent disturbance; and
    c. A Certified Engineering Geologist or Geotechnical Engineer must certify (according to **Subsection 5.0207(C)**) that disturbance area within the HSS are not susceptible to earth movement nor landslide hazard; and the proposed construction and design techniques will minimize cuts, fills, and potential adverse impacts to existing vegetation and have no adverse impacts to existing drainage ways, water quality, and slope stability.

C. Open Space Improvements. Open spaces may be improved with private walking/hiking trails, or with public trails or paths. Public trails or paths shall be limited to public open spaces, and private trails or paths shall be limited to private open spaces and conservation easements.

D. Public Facilities and Utilities. Public facilities (including streets) and utilities are not allowed within the Highly Sloped Subarea (HSS) except through the HGRO Alternative Review process as provided in **Section 5.0212**.

E. Technical Review. When a Geotechnical Report or Impact Evaluation and Alternatives Analysis is submitted it shall be reviewed by a third-party reviewer. The Manager shall select and consult with a Geotechnical Engineer and/or Certified Engineering Geologist to evaluate the methodology, conclusions, and recommendations of the Applicant's submittals regarding site conditions and potential geologic hazards. The consultant for the City may conduct a site visit prior to submitting an evaluation to the City. The written evaluation and recommendation from the City's consultant shall include an evaluation regarding the following:

- the acceptability of the observations, procedure, data, reports, methods, and assumptions relied upon; and
- the support of the conclusions and recommendations by evidence provided.

If required, the written evaluation and recommendation from the City's Consultant shall be received prior to a recommendation for a Type III process, or before a decision for a Type II process. Costs for such consultation shall be paid by the Applicant, in accordance with the City of Gresham's Development Fee Resolution.

5.0212 Alternative Review

Applicants who cannot or choose not to comply with the standards of **Section 5.0209, 5.0210, or 5.0211**, may apply for Alternative Review in accordance with this Section.

A Application Requirements. In addition to the items described in Section 5.0208 (further clarified in the Gresham Environmental Technical Guidance Manual), the Applicant shall also provide information described in Subsections (1) through (3) and any additional information needed to demonstrate compliance with the approval criteria in Subsection B. For utility projects undertaken by public utilities across property that is not owned by the utility, the utility is not required to map or provide any information about the property except for the area within 100 feet of the location of the proposed disturbance area of the utility's project.

1. Impact Evaluation and Alternatives Analysis. An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. At a minimum, the analysis should evaluate three alternatives: 1) no project, 2) the applicant's preferred alternative, and 3) a second practicable alternative that proposes less development within HGRO and HSS. The impact evaluation shall include all the following items:

    a. Identification of on-and off-site engineering geological conditions, processes, and hazards

    b. An explanation of proposed unavoidable impacts to on and offsite engineering geological conditions, processes, and hazards.

    c. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option best reduces the impacts on the HGRO provided on the property.

2. The Impact Evaluation and Alternatives Analysis shall be prepared and signed by a Geotechnical Engineer and/or Certified Engineering Geologist and shall meet the current standard of practice.

B. Public Facilities and Utilities.

1. When the applicant demonstrates through the alternatives analysis that either (a) and/or (b) below will reduce the amount of HGRO which will be disturbed. The City may approve an alternate that:

    a. Adjusts the "minimum block spacing and maximum block perimeter standards for local queuing and transitional street types in **Section A5.501** by up to 50

percent.

b. Adjust the standard street cross section within the HSS to omit the median, parking lane, and landscape strip, or combination thereof.

2. The City may approve public facilities not meeting the standards of **Section 5.0211(D)**, if it determines that the street location is necessary to provide street connectivity or for emergency vehicle access. Public facilities (including streets) and utilities may be constructed if the following is certified according to **Section 5.0207(C)** by a Certified Engineering Geologist or Geotechnical Engineer:

a. That these facilities can be constructed given the geologic and topographic conditions of the area of development; and

b. That these facilities can be constructed in a manner that does not increase the risk of earth movement or erosion.

C. All other development. The City may approve an application which does not comply with the clear and objective standards of this code if the applicant shows through the Impact Evaluation and Alternatives Analysis that the following conditions are met:

1. The applicant shows that the development has less detrimental impact to the slope than development meeting the standards would. If there is HSS on a property then the Applicant shall first avoid the intrusion of development into the HSS, to the extent practicable.

2. A Certified Engineering Geologist or Geotechnical Engineer certifies according to Section 5.0207(C) that the proposed alternative (including consideration of any proposed mitigation) will not increase the risk of earth movement or landslide hazard; and the proposed construction and design techniques will minimize cuts, fills and potential adverse impacts to existing vegetation and have no adverse impacts to existing drainage ways, water quality and slope stability.

D. **Additional disturbance on flat land.** When a land division is proposed which includes a contiguous area of HGRO at least an acre in size located on a DOGAMI mapped landslide deposit and which is comprised of slope less than 15%, such area can be exempted from of 5.0210(B)(3). Such and application is not required to submit the Impact Evaluation and Alternatives Analysis of **Section 5.0212(A)** however, it shall be accompanied by:

1. A slope analysis showing the area with slopes of less than 15%. Areas shall be identified using raster analysis of the LiDAR-derived Bare-Earth DEM created as part of the Oregon LiDAR Consortium Metro 2014 Project. The DEM is processed to reflect percent slope rise and then slope is averaged for each cell across a 45-foot radius circle. Cells with an average surrounding slope of 15% or less are included.

2. A soils and geology report of sufficient detail to describe the geologic conditions of the parcel and immediate vicinity and evaluate the potential geologic hazards associated with the site and prepared by Geotechnical Engineer and/or Certified Engineering Geologist. The report must meet current standard of practice and contain:

- A review of the geologic history and history of prior excavation and fills
- Field reconnaissance of the site and its vicinity
- Scope of work done, investigative methods, sampling methods, logs of borings or test pits, elevations of borings or test pits for reference of materials and samples to finished grade or footing elevations, and the identification of the elevations
- Location of all samples taken, surface and subsurface
- Groundwater conditions and potential future natural and artificial seepage effects
- (USCM) Unified Soil Classifications of Materials
- Material competency and strength of the existing soils
- Pertinent engineering geologic attributes (clayey, weak, loose, alignments, fissility, planar boundaries, pervious or water-bearing parts, susceptibility to mass wasting, erosion, piping or compressibility)
- Bearing capacity and/or shear strength of sample areas
- Consolidation or settlement potential
- Expansion potential

5.0213 Modification of HGRO Standards

Where the compliance with the HGRO would cause unreasonable hardship, applicants may seek a Type II Minor Variance or a Type III Major Variance pursuant to **Section 10.1500**.

5.0214 HGRO Mapping Protocols

The boundaries of the Hillside and Geologic Risk Overlay (HGRO) and Highly Sloped Subarea (HSS) are based on a GIS-supported application of the following mapping protocols. All buffer measurements are based on horizontal distance rather than a slope distance.

A. The HGRO includes all lands with the following attributes:

1. Mapped Landslide Deposits – All mapped landslide deposits in the Statewide Landslide Information Database for Oregon (SLIDO) maintained by the Oregon Department of Geology and Mineral Industries (DOGAMI) and included in DOGAMI Interpretive Map Series 57 (IMS-57).

2. Deep Landslide Hazards – All lands identified in IMS-57 as having high or moderate susceptibility to deep landslide hazards.

3. Shallow Landslide Hazards – Prioritized concentrations of lands identified an IMS-57 raster dataset as having high susceptibility to shallow landslide hazards. Prioritized concentrations were determined using further mapping protocols as follows:

    a. Edit the hazard raster to remove the following lands:

        i. Lands with prioritized hazard areas that represent temporary slope features that are no longer present, such as stockpiles that have been removed.

        ii. Areas of hazard inaccurately identified due to underlying LiDAR-derived

Bare-Earth Digital Elevation Model (DEM) (created as part of the 2014 Oregon LiDAR Consortium Metro 2014 Project) data quality issues, such as uncommonly low spots or "pits" caused by atmospheric interference. Acceptable quality levels are established by the 2014 Oregon LiDAR Consortium Metro 2014 Project.

iii. Existing stormwater ponds unless in, or within 100 feet of, the HSS.

iv. Concentrations of hazards on lands with an average slope less than 15%, except within 200 feet of a mapped stream. Average slope is calculated across a 120-foot radius circle for each slope raster cell (using Focal Statistics).

b. Perform raster analysis to prioritize resultant hazard data where at least 1/3 of surrounding cells within a 45-foot radius circle were also designated as high risk (using Focal Statistics).

c. Remove lands with prioritized hazard areas less than 6,000 square feet in area when located more than 200 feet away from a mapped stream.

d. Buffer resultant prioritized concentrations by 30 feet.

4. Butte tops – All lands 700 feet above sea level or higher.

5. Gaps – Resultant gaps of less than 55,000 square feet after combining the above lands.

6. Excluded areas – The following lands were excluded:

a. Lands regulated by DOGAMI for surface mining.

b. Lands north of Glisan Street.

B. Highly Sloped Subarea (HSS) includes all lands within the Hillside and Geologic Risk Overlay with the following attributes:

1. Lands with concentrations of slopes of 35% or greater. Concentrations are identified using raster analysis of the LiDAR-derived Bare-Earth DEM created as part of the Oregon LiDAR Consortium Metro 2014 Project. The DEM is processed into percent slope rise and then slope is averaged for each cell across the surrounding cells within a 45-foot radius circle. Cells with an average surrounding slope of 35% or greater are included. Prior to analysis, the DEM is edited to remove the following lands:

a. Lands that represent temporary slope features that are no longer present.

b. Areas with underlying DEM data quality issues.

2. Lands within 5 feet of areas identified in accordance with **Subsection (1)**.

5.0215 HGRO Map Administration and Correction

A. Map Administration. The City shall incorporate all map updates associated with development permit applications and corrections to the location of the HSS and HGRO as necessary. This

shall be processed under a Type I procedure and is not considered a comprehensive plan map amendment.

B. Map Corrections. All Applicants who believe that the HGRO and/or HSS was mapped based upon incorrect data may file a verification request consistent with this Subsection, and as described in the Gresham Environmental Technical Guidance Manual. Verification requests will be processed under the Type I development permit procedure.

1. HGRO Boundary. Applicants may request a site-specific correction of the HGRO boundary and the City shall incorporate such corrections to the HGRO using the protocols in **5.0214** with modifications to the input data allowed under the following scenarios:

    a. DEM Data Issues: Data issues with the Oregon LiDAR Consortium Metro 2014 Project Bare-Earth DEM used in the creation of DOGAMI IMS-57 Shallow Landslide Susceptibility Hazard raster may be addressed where provided for here. Such issues must be delineated to within 3 feet of the data issue(s) and submitted as an ESRI Shapefile (polygon) accompanied by two maps and a narrative. The narrative must describe the data errors in detail and methods for mapping them. The two maps must delineate the data issues at a scale of no less than 1 inch to 100 feet. One map must show the data issue(s), current HGRO boundary, and the Oregon LiDAR Consortium Metro 2014 Project Bare-Earth DEM. A second map must show the data issue(s), current HGRO boundary, and the DOGAMI IMS-57 Shallow Landslide Susceptibility High hazard data. The following DEM Data Issues may be addressed:

        i. Temporary Slope Features. Lands with prioritized hazard areas that represent temporary slope features that are no longer present, such as stockpiles that have been removed, may be extracted from the Shallow Landslide Hazard dataset.

        ii. DEM Data Quality Issues: Areas of hazard inaccurately identified due to underlying LiDAR-derived Bare-Earth Digital Elevation Model (DEM) data quality issues related to structures may be extracted from the Shallow Landslide Hazard Dataset. Acceptable data quality issues are those defined in the "Oregon LiDAR Consortium Metro 2014 Lidar Project Quality Control Report – November 30, 2016" and which are related to structures. The data issue narrative must identify the specific data quality issue(s) for each polygon submitted.

    b. Mapped Stream Changes: Mapped stream changes incorporated through **Section 5.0715(C)** (NRO Map Corrections).

    c. Newly mapped landslide(s): Newly mapped landslide deposit(s) and scarp flank(s) which have been mapped by a Registered Geologist or Certified Engineering Geologist.

2. HSS Boundary. Applicants may request a site-specific correction of the HSS boundary by providing on-site slope survey data, new HSS boundary, and an HSS analysis map prepared in accordance with the following:

a. On-site survey data: A survey shall be submitted of the natural/existing topography for the site of the proposed area of correction and a 50-foot buffer around it, stamped by a registered Civil Engineer or licensed Land Surveyor. If access in the 50-foot buffer cannot be acquired, data from the Oregon LiDAR Consortium Metro 2014 Project Bare-Earth DEM may be substituted. Survey data must be provided as bare-earth DEM raster as well as a percent slope raster calculated using the bare-earth DEM. Survey data must meet or exceed standards set in "Oregon LiDAR Consortium Metro 2014 Lidar Project Quality Control Report – November 30, 2016" including an absolute vertical error of less than 0.20 meters.

b. New HSS boundary data: The new slope raster must be processed according to the mapping protocol in **Section 5.0214(B)** and provided as a raster dataset.

c. HSS analysis map: A map shall be provided having a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the slope analysis and shall attest to the fact that the slope analysis has been accurately calculated. The map shall clearly delineate/identify the slopes of 35% or greater and new HSS boundary. The map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

d. Raster data requirements: Raster datasets must be provided as outlined in the Gresham Environmental Technical Guidance Manual.

5.0216 Violations

A. Actions that violate the HGRO regulations are subject to the abatement and penalty provisions of **Section 2.0008** of the Gresham Community Development Code. The following activities shall be considered immediate hazards:

1. Unpermitted work in the HSS;
2. Dumping;
3. Depositing any material on public property;
4. Bare earth over 500 square feet during the wet weather period of October 1 to May 1; and
5. Other situations as determined by the Manager.

B. Unpermitted alterations will not be deemed valid buildable/developable area.

C. For correcting violations regarding unauthorized activity, the responsible party must submit and ensure implementation of a remediation plan that meets all applicable standards of the HGRO. The plan must be developed by an Oregon licensed Certified Engineering Geologist or Geotechnical Engineer.

D. For correcting violations regarding unauthorized activity, the responsible party shall submit an application that meets all applicable standards of the HGRO including appropriate mitigation if

applicable.

E. The plan must be developed by an Oregon licensed Certified Engineering Geologist or Geotechnical Engineer.

SECTION 5.0700
NATURAL RESOURCE OVERLAY (NRO)

5.0701 Purpose

The Natural Resource Overlay (NRO) regulations provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 and 6 resources within the City of Gresham. The NRO contributes to the following community objectives:

A. Protect and restore streams and riparian areas for their ecological functions and as an amenity for the community and to recognize the unique natural resources attributes within the new communities of Pleasant Valley, Springwater and Kelley Creek.

B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.

C. Protect upland habitats and enhance connections between upland and riparian areas.

D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharge in Resource Areas as defined in **Section 5.0703(B)(1)**.

E. Conserve scenic, recreational, and educational values of significant natural resources.

F. Provide clear and objective standards and a discretionary review process, applicable to development in Resource Areas, in accordance with Statewide Land Use Planning Goal 5.

G. Allow and encourage habitat-friendly development, while minimizing the impact on fish and wildlife habitat functions and mitigating the loss of ecological functions and values.

5.0702 Coordination with Other Regulations

A. The requirements of the NRO apply in addition to other applicable state, regional, and federal development requirements. Where the NRO imposes restrictions that are more stringent than other applicable state, regional and federal requirements, the provisions of the NRO shall govern.

B. Except as provided below, where the provisions of this overlay conflict with comparable provisions of the Gresham Community Development Code, the more restrictive shall govern, provided that within the boundaries of a Resource Area, the tree removal and mitigation requirements of this overlay shall supersede those of **Section 9.1000.**

C. Proposed development located near streams with regulated floodplains or identified flood prone areas shall also comply with the Floodplain Overlay District standards of **Section 5.0100** of the Community Development Code. Areas affected by this District are shown on the City's Special Purpose Districts Map.

D. Proposed development located on or near sites with steeper slopes may also be affected by the Hillside and Geologic Risk Overlay (HGRO) provisions of **Section 5.0200** of the Community Development Code. This Overlay may impose additional development requirements for sites with ravines and other sloped topographic features. Areas affected by this Overlay are shown on the City's Special Purpose Districts Map.

E. Development in or near wetlands and streams may require permits from the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers. If a federal permit is required, a

water quality certification from the Oregon Department of Environmental Quality may also be required. The City Manager shall notify the Department of State Lands and the Army Corps of Engineers when an application for development within streams and wetlands is submitted. Because these agencies may have more restrictive regulations than the City, Applicants are encouraged to contact them before they prepare their development plans.

F. Environmental Technical Guidance Manual. Clarifications, commentary and examples are given in the Gresham Environmental Technical Guidance Manual. Content of the guidance manual is to be used in tandem with development code and does not substitute for, amend, or supersede development code.

5.0703 Applicability

A. All Areas

1. Unless otherwise exempt, the Natural Resource Overlay and the regulations of this chapter apply to properties containing mapped Resource Areas or Potential Resource Areas when any of the following uses or activities are proposed:

    1. Development or redevelopment.
    2. All land divisions or property line adjustments.
    3. Removing, cutting, mowing, clearing, burning, or applying herbicides to vegetation.
    4. Changing topography, grading, excavating, stockpiling or filling.
    5. Resource enhancement.
    6. Construction or expansions of right-of-way improvements.
    7. Placement or stockpiling of woody debris.

2. Mapped Resource Area (RA), High Value Resource Area (HVRA), and Potential Resource Area (PRA) boundaries are based on a GIS-supported application of the mapping protocols in **Section 5.0714**. The boundaries may be verified or amended in accordance with **Section 5.0715**. In general, these areas include the following:

    a. Resource Areas (RA) include regulated wetlands and their buffers, regulated streams and their buffers, other regulated waters including lakes and ponds and their buffers, and designated upland habitat. Within the RA are subareas of particularly high value. These subareas are designated as High Value Resource Areas (HVRA). All references in this chapter to Resource Areas shall be understood to include High Value Resource Areas.

    b. Potential Resource Areas (PRA) include areas that were identified as "potential wetlands" in a Local Wetland Inventory Survey and areas that have been identified as having a high probability of potential regulated wetlands, but have not been reviewed as part of a Local Wetland Inventory Survey.

3. Development within an RA in accordance with the provisions of the NRO shall not result in a change of the RA status of such developed areas on a property.

4. Properties containing Potential Resource Areas are subject to **Section 5.0703(B).** If no Resource Areas are identified in the PRA review, then the requirements of NRO do not apply.

5. All development permit applications within the NRO which propose non-exempt activities within 50 feet of, but not within, a Resource Area, shall comply with **Section 5.0706(A).**

6. Jurisdictional wetlands and waters are those subject to local, state, and/or federal authority. A jurisdictional wetland or stream identified during the course of a development permit review that meets the mapping protocols in **Section 5.0714** shall be subject to the NRO standards. Such wetlands or streams shall be added to the NRO map by the Manager, after DSL and City concurrence. If a wetland or stream is identified that does not meet Title 3 criteria, it is not subject to the standards of this section but may still require a federal or state permit.

B. Potential Resource Area (PRA) Determination

These regulations are required to protect water quality resources pursuant to Goal 6 and Metro Functional Plan Title 3.

1. **Review.** All applications for non-exempt uses and activities within areas designated as Potential Resource Areas on the map are subject to a review to determine whether Resource Areas (specifically wetlands) are present.

    a. The review shall cover all proposed disturbance area(s) and all on-site land within 100 feet of the disturbance area(s).

    b. The review may be processed separately as a Type I review or concurrently with another development permit.

    c. All wetland determinations must be conducted in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual, including regional supplements and applicable guidance and any supporting technical guidance documents, rules, and regulations issued by the State of Oregon and the Oregon Department of State Lands.

2. **Submittal Requirements.** In order to determine if the standards of this chapter apply the applicant shall submit a site assessment for review that includes a map of the proposed review area and identifies any proposed disturbance area(s) and on-site land within 100 feet of the disturbance area(s) as well as one of the following:

    a. Documentation from Oregon Department of State Lands (DSL) that there is no wetland within the review area. Such documentation may be:

        i. A determination that a wetland is not present provided by DSL.

        ii. A determination that a wetland is not present conducted by a private wetland professional with DSL concurrence

b. Documentation from the City's Natural Resources Program that there is no wetland within the review area. Such documentation may be:

i. A determination that a wetland is not present conducted by the City

ii. Review and agreement with a determination that a wetland is not present that has been conducted by a private wetland professional.

c. A wetland delineation with DSL concurrence or documentation from the City's Natural Resources Program that there is a wetland, and a determination regarding Title 3 Wetland status performed by the City in accordance with the Department of Land Conservation and Development's OAR 660-023, including the application of the Oregon Freshwater Wetland Assessment Methodology (OFWAM) to the wetland.

3. Determination of Resource status.

a. If no wetland is found the Resource Area standards of this Overlay shall not apply and the PRA shall be corrected according to 5.0715(C).

b. If a wetland is found but is determined not to meet the City and Metro's criteria for a regulated Title 3 wetland, it is not subject to the standards of this Overlay, but it may still require a federal or state permit. The PRA shall be corrected according to 5.0715(C).

c. If a wetland is found and is determined to meet the City and Metro's criteria for a regulated Title 3 wetland, a buffer shall be applied, and the area shall be identified as Resource Area. Such Resource Areas shall be added to the NRO map in accordance with Section 5.0715(B) and the PRA shall be corrected according to 5.0715(C).

C. For the purposes of this section "Lots created prior to January 15, 2021" means lots created through an application for tentative land division made prior to January 15, 2021 which did not expire.

5.0704 Prohibitions

The following prohibitions apply within Resource Areas and within Potential Resource Areas that have not had a PRA review completed in accordance with **Section 5.0703(B)**. These prohibitions do not apply to the continuation, in the same manner, of activities that were lawfully begun before January 15, 2021, were approved pursuant to this Overlay, or are exempt in accordance with **Section 5.0705**. An activity continuing in the same manner means that there is no expansion in the scope of that activity within the RA or PRA.

A. Outside storage of materials and equipment.

B. Any new gardens, lawns, structures, or development other than those allowed outright (exempted) or that is part of a regulated use that is approved with an NRO permit.

C. The dumping of materials of any kind.

D. Grading, placement of fill, or the removal of native vegetation other than those allowed outright (exempted) or that is part of a regulated use that is approved with an NRO permit.

5.0705 Exempt Uses and Activities.

The permit requirements of the NRO do not apply to the uses and activities listed in **Subsection (A).** The additional exemptions listed in **Subsection (B)** apply to all lands within the NRO except HVRAs. Where an exemption specifies an allowance of area for disturbance area, impervious surface, or improvement, that area represents the total cumulative amount allowed on a site pursuant to that exemption. The amount of disturbance area, impervious surface, or improvement permitted by each exemption shall be calculated independently. Nothing in this section shall allow activity prohibited in 5.0704.

A. Exempt Uses and Activities. The following uses and activities are exempt from the permit requirements of the NRO:

1. Change of ownership.

2. The following activities within the PRA:

    a. Activities that do not otherwise require a development permit (i.e. no development permit would be required for the proposed activity outside of the NRO).

    b. Development within the boundaries of a current PRA review prepared in accordance with **Section 5.0703(B)**, where the assessment shows that no RA is present on the site.

    c. Development within the boundaries of a current PRA review prepared in accordance with **Section 5.0703(B)**, where the assessment shows that one or more RA are present on the site, but where the proposed development meets one or more of the exemptions for uses or activities within or near an RA. An NRO exemption form is required in accordance with **Section 5.0705(C).**

3. New site improvements, disturbance or structures or other development that are more than 50 feet from an RA. An NRO exemption form is required in accordance with **Section 5.0705(C).**

4. The removal of vegetation, including trees, in any of the following situations:

    a. When not within a RA. An NRO exemption form is required in accordance with **Section 5.0705(C)** when trees 24" DBH or greater in size will be removed within 50 feet of an RA.

    b. When removed in accordance with a City-approved mitigation or restoration plan. An NRO exemption form is required in accordance with **Section 5.0705(C)**.

    c. When limited to the removal of invasive vegetation (as identified on the City of Gresham Invasive Species List), and the removal of refuse or fill, provided that:

        i. All work is done using hand-held equipment;

        ii. No existing native vegetation is disturbed or removed;

        iii. All work occurs outside of wetlands and the tops of banks of streams; and

iv. No more than 200 square feet of area of ground is disturbed and the disturbed area is stabilized with new native vegetative cover prior to October 1 in any given year.

v. Up to 6 Invasive trees may be removed; however, if trees with a DBH of 6 inches or greater are proposed to be removed, an NRO exemption form is required in accordance with **Section 5.0705(C).**

5. Previously approved development as follows:

    a. A building permit for a phased development project for which the Applicant has previously met the application requirements, so long as the area of new construction was identified on the original permit and no new portion of the RA will be disturbed.

    b. On the individual lots where the location of the proposed improvements (disturbance area) was identified in the land division decision and the City's mitigation requirements were completed as part of the land division for the entirety of the proposed disturbance area.

6. Operation, maintenance, and repair of existing improvements when no additional incursion into the RA is proposed, including:

    a. Structures provided that the building footprint is not increased.

    b. Gardens, pastures, lawns and landscape perimeters, including the installation of new irrigation systems within existing gardens, pastures, lawns, and landscape perimeters, with the exception of the planting of any invasive plants listed on the City of Gresham Invasive Plant List.

    c. Streets and roads, railroads, bridge footings, easements, and access roads and above-ground utilities.

    d. Subsurface utilities provided there are no above ground impacts or impacts to trees (e.g., damage to the root zone) within the RA.

    e. Manmade water control facilities such as outfalls, culverts, irrigation and drainage ditches, constructed ponds or lakes, wastewater facilities, and water quality facilities.

7. Alteration and replacement of existing improvements when no additional incursion into the RA is proposed (including the uses and activities listed in **Subsection (6)**) provided an NRO exemption form is completed in accordance with **Section 5.0705(C).**

8. The trenchless subsurface installation of new utilities (e.g., via microtunneling), provided there are no above ground impacts or impacts to trees (e.g., damage to the root zone) within the RA. An NRO exemption form is required in accordance with **Section 5.0705(C)**.

9. Existing farming practices as defined in ORS 215.203 and farm uses, excluding construction or expansion of buildings and structures.

10. The maintenance of existing water-dependent uses that can only be carried out on, in, or adjacent to water because they require access to the water for waterborne transportation or recreation when no additional incursion into the RA is proposed.

11. Projects with the sole purpose of restoring or enhancing wetlands, streams, or fish and wildlife habitat areas, provided that the project is part of an approved local, state, or federal restoration or enhancement plan. An NRO exemption form is required in accordance with **Section 5.0705(C).**

12. Planting of native vegetation.

13. Work undertaken by Multnomah County Drainage District or its successor agency pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations.

14. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on trees.

15. Development within an RA that is completely separated by an improved right-of-way from the water feature(s) which was the basis for the RA. This exemption only applies to RAs that are associated with a water feature (i.e., stream, wetland or other waters). It does not apply to upland habitat areas. See **Section 5.0714**, Mapping Protocols. An NRO exemption form is required in accordance with **Section 5.0705(C).**

16. Installation of fencing that meets the wildlife passage design standards in the Gresham Environmental Technical Guidance Manual.

B. Additional Exemptions for All Areas except HVRAs. Except within mapped High Value Resource Areas, the following uses and activities are exempt from the permit requirements of the NRO provided that an NRO exemption form is completed in accordance with **Section 5.0705(C)**:

1. The alteration, expansion, or replacement of existing structures, provided that:

    a. The alteration, expansion, or replacement of a structure will not intrude more than 500 square feet into a mapped RA or PRA in addition to the area defined as the building footprint as of January 1, 2006.

    b. Where the RA is mapped, the new intrusion into the RA is no closer to the HVRA than the pre-existing structure or improvement.

2. Minor encroachments into the RA or PRA not to exceed 120 sq. ft. of impervious surface such as accessory buildings, eave overhangs, exterior building improvements required to meet access and exiting requirements, or other similar features.

3. Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within the RA or PRA so long as the forest canopy and the areas within the Critical Root Zones of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strip, and vegetated infiltration basins. Only native vegetation may be planted in these facilities.

4. Temporary and minor clearing not to exceed 200 square feet for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete.

5. Low-impact outdoor recreation facilities for public use, including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that may include benches and outdoor furniture, provided that the facility meets the following requirements:

    a. It contains less than 500 sq. ft. of new impervious surface. This area represents the total cumulative amount of new impervious surfaces that shall be allowed on a site under this exemption.

    b. Any trails shall be constructed using non-hazardous, pervious materials, with a maximum width of four feet.

    c. Trees 24-inch DBH or larger shall not be removed and their critical root zones shall be protected.

6. Utility service using a single utility pole or where no more than 100 sq. ft. of ground surface is disturbed above the ordinary high water mark of water bodies and where the disturbed area is restored to the pre-construction conditions. This area represents the total amount of disturbance area that shall be allowed for a utility project under this exemption (regardless of the number of parcels).

C. NRO Exemption Form. When required by **Subsection A or B**, a written verification of exemption shall be obtained from the City prior to conducting exempt uses or activities. A completed form with a site plan showing location of work and location of RA(s) and/or PRA(s) on the site, a description of the work to be done, methods of protection (if any), and anticipated schedule of the work shall be submitted to the City a minimum of seven business days prior to the proposed activity.

5.0706 Permit Required

Unless exempt pursuant to **Section 5.0705**, a permit is required for all regulated activities within the NRO as follows:

A. Proposed Uses and Activities within 50 feet of a RA. Applications for uses and activities that are proposed within 50 feet of an RA, but are not within an RA, are required to submit a scale map, site plan, and construction management plan in accordance with **Section 5.0707(A) – (C)**. The construction management plan shall be processed under the Type I procedure and shall be approved by the Manager if the construction management plan provides measures to protect trees and other vegetation located within the RA as specified in **Section 5.0707(C)**.

B. Proposed Uses and Activities within an RA. The permit shall be processed under the development permit procedure and subject to the applicable standards specified in **Table 5.0706-1** and the general requirements in **Section 5.0709(A) and (B)**. All permit applications shall comply with the application requirements in **Section 5.0707.**

C. Proposed Uses and Activities within a PRA. Applications for uses and activities that are proposed within a PRA are subject to the PRA review requirements in **Section 5.0703(B)**. If Title 3 Wetlands are identified within the PRA, the permit requirements of **Subsections (A)** and **(B)** shall apply to such wetlands and buffers established in accordance with **Section 5.0715(B).**

Table 5.0706-1 Permit Procedure and Additional Applicable Standards for Development within a RA

Proposed Activity or Request	Permit Procedure	Applicable Standards
PRA review	Type I	5.0703(B)
Standards for development in a RA		
Development of a single-family home or duplex on a lot of record	Type I	5.0710(A)
Linear utility facilities	Type I	5.0710(B)
Non-linear utility facilities	Type I	5.0710(C)
Rights of ways and public access easements	Type I	5.0710(D)
Public trails and paths and park enhancements	Type I	5.0710(E)
Dangerous Tree Removal	Type I	5.0708(A)
Programmatic Tree Removal	Type II	5.0708(B)
Municipal utility facilities	Type II	5.0710(F)
Land divisions	Type II	5.0710(G)(1-8)
Property line adjustment	Type I	5.0710(G)(9)
Other development activities in a RA (other than those activities listed above)	Type I	5.0710(H)
Other Reviews		
Request for payment-in-lieu of mitigation	Type II	5.0711(E)
Alternative review	Type II	5.0712
Map Correction	Type I	5.0715(C)

5.0707 Application Requirements

Except as specified in Section 5.0708, all applications shall include the items required for the applicable procedure type in accordance with **Article 11** and the items required by this section, and items specified in the Gresham Environmental Technical Guidance Manual.

A. Existing Conditions Map. For the entire subject property, Applicants shall submit a scaled map of the property that includes:

1. Location of all Potential Resource Areas, Resource Areas and High Value Resource Areas on the property.

2. Outline of any existing disturbance area, including the location of existing adjacent streets and paved areas, utilities, culverts, stormwater management facilities, or bridges.

3. Location of any known wetlands, waterways, or other waters on the property.

4. Location of Floodplain Overlay and floodway boundary as defined by the Federal Emergency Management Agency (FEMA).

5. Topography shown by contour lines. On properties that are two acres or larger, contours are only required for the portion of the property to be developed.

6. If applicable, the boundaries of the Hillside and Geologic Risk Overlay.

B. Proposed Site Plan. Detailed site plan of proposed development outlining total permanent and temporary disturbance area (including proposed building footprints, site property improvements, utilities, grading, and landscaping) and existing and proposed lot lines.

C. Construction Management Plan (CMP). In order to ensure that trees and vegetation remain undisturbed within RAs and are not damaged during construction, the application shall include a construction management plan demonstrating either that all work impacts will take place outside of the RA or that work impacts within the RA will be within a proposed disturbance area and the application is in compliance with **Section 5.0709(A)**. At a minimum, a construction management plan shall include the following information:

1. Location of site access and egress that construction equipment will use.

2. Equipment and material staging and stockpile areas.

3. Erosion and sediment control measures in accordance with the City of Gresham "Erosion Prevention and Sediment Control Manual" appendix of the Gresham Stormwater Management Manual.

4. Critical Root Zone of all trees to be preserved within 50 feet of the disturbance (per Gresham Environmental Technical Guidance Manual).

5. Measures in accordance with the Gresham Environmental Technical Guidance Manual to protect trees and other vegetation located within the RA, other than those within a proposed disturbance area.

6. A construction schedule that includes the timing of in-stream work (if applicable). In addition, the CMP must include a copy of written notification of the ODFW and NFMS notification.

D. Additional Information Required. If any disturbance (permanent or temporary) is proposed within the RA, the following additional information shall be provided:

1. Tree survey information:

    a. Detailed tree survey information including the location, diameter at breast height (DBH) and species of:

        i. Any tree greater than six inches (DBH) located within the disturbance area.

ii. Any trees 24 inches or greater (DBH) located within 50 feet of the disturbance area.

b. When all trees within 50 feet of the disturbance area are below 24 inches DBH, generalized tree survey Information including the approximate location and number of trees, their diameters and the dominant species may be allowed.

c. If the Applicant is requesting tree removal on the basis that the tree(s) is on the City of Gresham Invasive Plant List , the identity of the species including in-focus, high resolution photographs supporting identification of species such as habitat, trunk, crown, flowers, fruits, branches, twigs, and leaves is required.

d. If the Applicant is requesting tree removal on the basis that the tree(s) meets the definition of Dangerous Tree, an International Society of Arboriculture (ISA) basic tree risk assessment prepared by a qualified arborist is required.

2. A grading plan showing the proposed alteration of the ground.

3. An outline of the disturbance area that identifies the vegetation to be removed.

4. Narrative explanation and materials necessary to demonstrate compliance with the applicable development standards of **Section 5.0709 and 5.0710**.

5. Mitigation plan showing plant location, spacing, species, and size at planting, maintenance plan and schedule, and monitoring plan prepared in accordance with **Section 5.0711**, unless payment-in-lieu of mitigation is proposed in accordance with **Section 5.0711.**

E. In addition to the requirements of this section, additional applications requirements may apply as specified in the NRO (e.g. for Alternative Review).

5.0708 Tree Removal not Associated with Other Development

The following standards apply to the removal of Dangerous Trees or trees listed on the City of Gresham Invasive Plant List within the RA that are not associated with other development or to programmatic permits for tree removal. The general standards in **Section 5.0709(A)** do not apply to tree removal subject to this section. Tree removal being proposed in conjunction with other development (e.g., a land division) shall be subject to the NRO standards applicable to that development rather than this section.

A. Tree removal may be approved through the Type I process, when:

1. One of the following criteria is met:

a. The tree is identified as an invasive species and evidence regarding the species of the tree and the credentials of who identified it are included as part of the application. Applicants shall submit the information required by **Section 5.0707(D)(1)(c).**

b. The tree meets the definition of Dangerous Tree and its removal is recommended by a qualified certified arborist who has-completed basic tree risk assessment for the tree. Applicants shall submit the information required by **Section 5.0707(D)(1)(d)**.

2. Proposals to remove a total of six of fewer trees (invasive species, and/or Dangerous Trees) are exempt from the submittal requirements in **Section 5.0707**, except as specified in **Subsection (a)**. For all other proposals to remove such trees, other vegetation on the site must be protected in accordance with an approved construction management plan prepared pursuant to **Section 5.0707(C)** and a plan describing the methods of removal must be submitted.

B. Tree removal may be approved through a Type II Programmatic Permit. Type II Programmatic Permits may only be obtained by Public Agencies and Utilities with a Gresham franchise license to allow for routine public facility or utility operation, repair and replacement, and/or on-going maintenance or enhancement programs. The purpose of a Programmatic Permit is to eliminate the need for individual tree removal permits for ongoing activities within the RA or HVRA. Programmatic permits do not cover tree protection, removal, planting, or mitigation associated with a development permit.

1. Time Limits. The Manager may approve a Programmatic Permit for a period of up to 2 years. An annual report from the applicant on activity conducted under the permit is required to be submitted to the Manager by June 30 each year. Failure to submit the annual report will result in cancellation/suspension of the Programmatic Permit.
2. Work Standards. All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices as detailed in the most recent version of ANSI A300 standards.
3. Review Factors. The Manager may approve a Programmatic Permit for work in the RA and HVRA upon finding that the following review factors are met or will be met with conditions:
    a. Biodiversity: The activities will result in the same or better native species diversity within each project area treated under the programmatic permit.
    b. Erosion Control: Activities will be planned to prevent exposed soil areas of greater than 500 square feet during the wet weather window of October 1 to May 1.
    c. Mitigation of Impacts: The activities will protect or improve project area conditions as they relate to water quality, critical habitat protection, and forest health.
    d. Risk reduction:
        - Ignition fuel reduction at the private-public property interface shall occur before any additional coarse woody debris (CWD) is placed as part of stand management activities.
        - CWD shall be placed in a manner not likely to increase wildfire, slope movement, or public safety risks.
        - Plants not designated as fire accelerants on the Gresham Native Plant List will be preferred for retention in defined firebreak areas.
        - Plants designated as fire accelerants on the Gresham Native Plant List will not be planted in defined firebreak areas.
        - Suspended branch material is addressed as part of site activities.

- Allowance for amount and location limitations for cut or chipped CWD are observed.
- Snags or habitat tree retention is incorporated into project areas where retention of such features pose no risk to structures or active use areas.
- Within areas mapped as past landslides or associated scarp flanks according to DOGAMI IMS-57, a geotechnical review by a Certified Engineering Geologist or Geotechnical Engineer in advance of vegetation removal or deposition of CWD demonstrates the development will not cause negative impacts to on- and off-site geologic conditions, processes, or hazards.

4. Application Requirements. The application requirements in **Section 5.0707** do not apply. In addition to the requirements for a Type II application, an application for a programmatic permit shall include:
   a. A narrative description of proposed activities and locations and how the activities comply with the review factors above.
   b. A map of the areas work will occur, including generalized locations of each type of work.
5. Permit Specifications. Approved permits issued by the City shall include the following specifications. The Manager may modify these specifications during the permit period in order to respond to public safety concerns, changes in regulations, or previously unforeseen issues, provided the applicant is notified in writing and provided an opportunity to appeal the change:
   a. Duration of permit.
   b. Geographic area covered by the permit.
   c. Permitted activities and any restrictions on the method, number, type, location or timing of activities.
   d. Procedures and thresholds for informing neighboring residents, businesses and the City of upcoming permitted activities.
   e. Monitoring, performance tracking and reporting requirements. The Manager may prescribe rules or procedures that specify the manner in which such tracking and reporting occur.
6. Revocation. The Manager may revoke a Programmatic Permit upon finding the applicant is not adhering to the limitations imposed or is acting beyond the activities permitted by the Programmatic Permit. Noncompliance with the Programmatic Permit may also be cause for any other enforcement action as stated in **Section 5.0716**.

5.0709 General Development Standards

A. **General Standards** The following standards apply to all regulated development within an RA.

1. Mitigation is required for the removal of trees and other vegetation in accordance with

Section 5.0711. Trees listed on the City of Gresham Invasive Plant List are exempt from this mitigation standard. Dangerous Trees are exempt from this mitigation standard but must be replaced at a ratio of one tree planted on site for each tree removed.

2. All vegetation planted in an RA shall be native unless otherwise approved by the Manager based on the Gresham Environmental Technical Guidance Manual.

3. Fences are allowed only within an approved disturbance area unless the fencing meets the wildlife passage design in the Gresham Environmental Technical Guidance Manual.

4. Lighting within 50 feet of the RA shall be placed or shielded so it does not shine directly into the RA or must be motion activated.

5. Temporary disturbance areas must be fully restored (see the Gresham Environmental Technical Guidance Manual).

6. No fill or removal is allowed within a wetland, water body, or ordinary high water mark of a stream, unless all required permits are obtained from the US Army Corp of Engineers, and/or the Oregon Department of State Lands.

7. Stream crossings, bridges, new culverts, and culvert expansions shall be designed in accordance with the Oregon Department of Fish and Wildlife (ODFW) fish passage criteria unless exempted or waived by ODFW.

8. Any state or federally approved work that will take place in a regulated waterway shall be conducted during the specified in-water work period as determined by Oregon Department of Fish and Wildlife for each specific water body.

9. No parking beyond the minimum amount required in **Sections 9.0850-9.0853** shall be allowed within the RA. This standard does not apply to single family residential and duplex development.

10. During construction, the following standards apply:

    a. Trees in the RA shall not be used as anchors for stabilizing construction equipment.

    b. Erosion control measures shall be in place prior to and maintained throughout the construction.

    c. No stockpiling of soil or debris is allowed in the RA, except within an approved permanent or temporary disturbance area.

    d. Prior to construction, the RA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed.

    e. All construction activity on the property shall conform to the construction management plan described in **Section 5.0707(C).**

    f. Tree protection shall either include all of the following protective measures or be designed by a Certified Arborist:

i. No soil compaction or removal of vegetation or tree branches shall occur within the Critical Root Zone.

ii. 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 Critical Root Zone. Protective fencing shall be of a material that cannot easily be moved, removed, or broken during construction activities.

iii. No machinery repair, cleaning or fueling shall be performed within the Critical Root Zone of any trees identified for protection.

iv. Digging a trench for placement of public or private utilities or other structure within the Critical Root Zone of a tree to be protected is prohibited.

g. For any construction or grading within the Critical Root Zone of a tree to be protected, a Certified Arborist shall inspect tree protection measures before and after work is completed or be on site during any construction or grading activities.

B. Methods for Avoiding Resource Areas. When development is proposed in the RA, an application may include the following habitat-friendly development practices to minimize the impact on the RA.

1. When building on a lot containing RA, the minimum building setback of the base district may be reduced to any distance between the base district minimum and three feet, unless this reduction conflicts with applicable fire or life safety requirements or the requirements to maintain a clear vision area in accordance with **Section 9.0200**.

2. The minimum percentage landscaping requirements, apart from those required for parking lots, street trees, buffers (**Section 9.0100**) and required mitigation areas, may be met by preserving the RA.

3. On-site density transfer to avoid or minimize development within RA is permitted as follows provided areas receiving the density transfers do not exceed 125% of the maximum density dwelling units or floor area ratio (FAR) allowed by the underlying sub-district of the receiving area. For the purposes of this section, development sites may include non-contiguous properties provided all of the properties that form the development site are within the same Natural Resource Overlay Subarea (i.e., Pleasant Valley, Springwater, Kelley Creek Headwaters, or all other areas within the City of Gresham). See **Map 5.0714-1**. Units may be transferred to no more than one non-contiguous property.

   The quantity of dwelling units transferred shall be the lesser of the number of dwelling units available to transfer from the sending area, or the cap on the number of dwelling units allowed for the receiving area. The transferred dwelling units shall be in addition to the base number of dwelling units allowed in the applicable zoning district.

a. For single family residential development proposals on sites with an RA, a transfer of a number of dwelling units equal to no more than 50% of the minimum density permitted on the undisturbed RA portion of the site is permitted to be transferred onto the non-RA portion of the development site.

b. For multi-family residential development, a transfer of a number of dwelling units equal to no more than 25% of the minimum density permitted on the undisturbed RA portion of the site is permitted to be transferred onto the non-RA portion of the development site.

c. For density transfers in property developed as Commercial or Industrial, the transfer credit is 10,000 sq. ft floor area ratio (FAR) per acre of undisturbed land within the RA. For developments that have no cap in FAR, the manager shall permit a reduction of the minimum parking requirement of up to 25 percent of the standard minimum parking requirement. This allowance is in addition to any other minimum parking reduction allowance provided in Section 9.0800.

d. Within mixed-use developments the density transfer credit is factored using a combination of **Subsections (b) and (c)**, above, which shall be pro-rated based on the percentages of gross floor area (GFA) devoted to residential and non-residential uses.

e. To accommodate the transferred density, lot dimensional standards, lot sizes, and minimum setbacks on the non-RA portion of the site may be reduced by no more than 20%. Applicants may use the landscaping reductions in **Subsection (B)(2)**.

f. All RA counted toward density transfer shall be permanently restricted from development and maintained for habitat functions, such as by making a public dedication, creating a separate tract and/or executing a restrictive easement.

5.0710 Standards for Specific Development Types within a Resource Area

A. Single-family detached and duplexes. In addition to the general standards in **Section 5.0709(A)**, the following standards apply to the development of single-family detached and duplexes and related accessory structures and dwellings on existing legal lots of record. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712**.

1. The maximum disturbance area (permanent and temporary) allowed within the RA on a lot is determined by subtracting all portions of the lot outside the RA from 6,000 square feet. If there is 6,000 square feet of contiguous land outside of the RA with a minimum dimension (at any point) of 40 feet in either width or depth, all permanent and temporary disturbance must occur outside the RA. If there is not such a 6,000 square foot area outside the RA, encroachment into RA shall be limited to the amount of area needed to make up for the deficit.

2. The entire disturbance area shall be entirely outside the HVRA.

3. Of the 6,000 square feet maximum disturbance area permitted within the RA, no more than 4,000 square feet shall be permanent disturbance area. The balance may be temporary disturbance area.

4. Trees may be removed within the permanent disturbance area. Within the temporary disturbance area, no trees 24 inches DBH or larger shall be removed. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed permanent disturbance area, the entire Critical Root Zone of the tree shall be included for the purposes of calculating the maximum permanent disturbance area. Mitigation shall be in accordance with **Section 5.0711(C)**. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

5. A stormwater facility serving only a single residential lot is allowed to be located outside of the disturbance area (temporary and permanent) but within the RA provided it is outside the HVRA, there is no disturbance to existing tree canopy, and it is located outside the Critical Root Zone of existing trees over six inches DBH.

B. Standards for Linear Utility Facilities. In addition to the general standards in **Section 5.0709(A),** the following standards apply to new linear utility facilities (including private connections to existing or new utility lines, and new utilities or upgrades of existing utility lines) that are proposed as a standalone project. Linear utilities being proposed in conjunction with other development shall be subject to the NRO standards applicable to that development rather than this section. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712.**

1. The maximum disturbance area in the RA shall be 1,200 square feet and the maximum width of the disturbance area shall not exceed 12 feet at any point.

2. The disturbance area shall be fully restored with the exception of permanent access points along the utility facility. Access points shall not exceed 144 square feet in size, shall be spaced no closer than one every 200 feet of utility line, and shall not be located in an HVRA.

3. Linear utilities shall not run parallel to a stream within an RA for a continuous distance of longer than 600 feet.

4. Underground linear utilities that extend more than 50 feet into an RA or which cross a stream shall be installed using bore, rather than trench, installation methods.

5. Trees under 24 inches DBH may be removed within the disturbance area. No trees 24-inch DBH or larger shall be removed. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed disturbance area, the entire tree shall be included for the purposes of calculating the maximum disturbance area. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

6. For utility projects undertaken by utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property

except for the area within 50 feet on either side of the proposed disturbance area of the utility's project.

C. Standards for Non-Linear Utility Facilities. These standards apply to non-linear minor basic utilities such as diversion structures, lift stations, pump stations, wellheads, small water treatment facilities and stormwater facilities that serve more than one lot or development. In addition to the general standards in **Section 5.0709(A),** the following standards apply to new facilities and upgrades of existing facilities that are proposed as a standalone project. Non-linear utilities being proposed in conjunction with other development (e.g., a land division) shall be subject to the NRO standards applicable to that development rather than this section. Applicants who cannot or choose not to comply with the standards of this section may apply using the Alternative Standards in **Section 5.0712.**

1. The maximum permanent disturbance area in the RA shall be 1,000 square feet. An additional 200 square feet of temporary disturbance area in the RA is permitted.

2. Disturbance areas shall not be allowed in the HVRA.

3. Trees under 24 inches DBH may be removed within the disturbance area. No trees 24-inch DBH or larger shall be removed. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed disturbance area, the entire tree shall be included for the purposes of calculating the maximum disturbance area. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

4. All trees required for mitigation shall be planted on site and outside of proposed utility access easements.

D. Standards for Right-of-Ways and Public Access Easements. In addition to the general standards in **Section 5.0709(A),** the following standards apply to public right-of-ways (ROW) and Public Access Easements, including roads and bridges (stream crossings). ROW and public access easements being proposed in conjunction with other development (e.g. a land division) shall be subject to the standards of this section in addition to the NRO standards applicable to that development. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712.**

1. For proposed improvements within ROWs and public access easements that include a stream crossing:

    a. New stream crossings for motorized vehicles subject to this section are allowed only for street classifications of collector or above shown on the Transportation System Plan, all other proposed vehicle crossings require alternative review.

    b. New stream crossings for bicycle and pedestrian traffic required by the Transportation System Plan, Active Transportation Plan, and/or Appendix J of the Parks and Open Space Master Plan are subject to this section, all other proposed pedestrian crossings require alternative review.

c. Within the RA, standard ROW cross section width dedication shall be required, although the width of the street section improvements shall be reduced by eliminating medians, planter strips, and parking lanes.

d. Stream crossings shall be designed by an Engineer. Stream crossings where no regulated floodplain has been identified will be designed to pass a 100-year flood without any increase in the upstream flood height elevation.

2. Trees under 24 inches DBH may be removed in the RA if the Critical Root Zone is within 10 feet of the proposed improvements. No trees 24-inch DBH or larger shall be removed, except within the approved permanent disturbance area established pursuant to **Subsection (G), below.** Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

3. Reduction of cross section for rights of way that lie entirely within the RA or HVRA may be allowed by removing median, parking lane, planter strip, or combination thereof. Alleys may be utilized, including

a) Dead-end alleys not exceeding a length of 150 feet that may be designed for two way operation.

b) Alleys entirely within RA or HVRA are exempt from the alley design restriction of Appendix 5.501(H)(6)

E. Standards for Public Trails and Paths and Park Enhancements. In addition to the general standards in **Section 5.0709(A),** the following standards apply to public trails, paths and related park enhancements, except for bridges/stream crossings allowed in accordance with **Section 5.0710(D)**. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712**.

1. The maximum disturbance area within the RA shall be 500 square feet per acre of RA within the site.

2. All trails shall be outside the HVRA except as designated in Appendix J of the 2009 Gresham Parks and Recreation, Trails and Natural Areas Master Plan (or its successor).

3. New trails or paths shall not result in disturbance of the Critical Root Zone of any tree 6-inch DBH or greater in size whose trunk is located inside the HVRA.

4. Trees under 24 inches DBH may be removed within the disturbance area. No trees 24-inch DBH or larger shall be removed. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed disturbance area, the entire tree shall be included for the purposes of calculating the maximum disturbance area. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

5. All trees required for mitigation shall be planted outside of those areas that will be maintained to provide trail access.

6. The proposed trail, path, or enhancement shall be associated with previously developed park infrastructure, be connected to the existing park systems, implement master planned park facilities, or be identified in Appendix J of the 2009 Gresham Parks and Recreation, Trails and Natural Areas Master Plan (or its successor).

F. Standards for Municipal Utility Facilities. In addition to the general standards in **Section 5.0709(A),** the following standards apply to municipal utility facilities associated solely with Capital Improvement Projects. For the purposes of this section, municipal utility facilities include: municipal potable water, municipal stormwater and municipal wastewater utility facilities including but not limited to water treatment plants, wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, reservoirs, and outfall devices. These facilities may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced or upsized within an RA provided that the standards are met. Applicants shall comply with the application requirements in **Section 5.0712(A),** except that only one alternative (the preferred alternative) must be evaluated. The application shall demonstrate that the following standards are met.

1. The project does not encroach closer to an HVRA than practicable; and

2. Best management practices will be employed that accomplish the following:

    a. Account for watershed assessment information in project design.

    b. Minimize trenching and tree removal within the RA through methods such as boring.

    c. Obtain necessary local or state erosion control permit. Utilize and maintain erosion controls until site stabilization measures are established.

    d. Replant immediately after backfilling or as soon as weather conditions allow.

    e. Retain topsoil (stockpiled outside of RA if feasible) and use for final cover.

    f. Minimize the duration of the work within the RA.

    g. Complete in-water construction during appropriate seasons, or as approved within requisite Federal or State permits.

G. Standards for Land Divisions and Property Line Adjustments. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712.**

1. Land divisions for uses other than detached single-family or duplex development.

    a. Applicants who are dividing, but <u>not</u> further developing, shall comply with the standards in **Subsections (5) – (6)** and shall:

        i. Complete the mitigation requirements in accordance with **Section 5.0711** and thereby exempt all subsequent development on lots or parcels containing RA

from further review under this overlay.[1] The City will verify that the mitigation requirements have been met when individual lot building permit applications are processed; or

ii. Not complete the mitigation requirements, thus requiring that all subsequent development within an RA be subject to further land use review for compliance with this overlay.

b. Applicants who are dividing and further developing shall comply with the standards in **Subsections (5) – (7),** the general standards in **Section 5.0709(A),** and all of the requirements of the NRO applicable to the development. Building permits may be issued once one or both of the following has occurred:

i. When the City will be implementing the mitigation requirements, the Applicant has transferred to the City all mitigation and maintenance funding required by the Conditions of Approval; and/or

ii. When the Applicant is responsible for implementing the mitigation requirements, the mitigation plan has been approved and a Guarantee of Completion equal to 110% of the estimated cost of mitigation implementation and maintenance is filed with the City. The Guarantee of Completion shall ensure site preparation and initial planting within one year of final plat approval.

2. Land divisions for detached single-family or duplex development. Applicants shall comply with the standards in **Subsections (3) – (8),** the general standards in **Section 5.0709(A),** and all other requirements of the NRO applicable to the development. Building permits may be issued once one or both of the following has occurred:

a. When the City will be implementing the mitigation requirements, the Applicant has transferred to the City all mitigation and maintenance funding required by the Conditions of Approval; and/or

b. When the Applicant is responsible for implementing the mitigation requirements, the mitigation plan has been approved and a Guarantee of Completion equal to 110% of the estimated cost of mitigation implementation and maintenance is filed with the City. The Guarantee of Completion shall ensure site preparation and initial planting within one year of final plat approval.

3. Each lot or parcel created for detached single-family or duplex development shall have a developable area of no less than 2,000 square feet with a building envelope whose minimum width or depth is at least 16 feet. The developable area on each lot shall be drawn, dimensioned, and noted on the subdivision plat to demonstrate compliance with this standard.

4. The maximum amount of RA that may be disturbed within the subdivision or partition shall not exceed 10% of the total RA on the parent parcel. Trees and vegetation may be

[1] This does not exempt any development from protecting jurisdictional resources present at the time of any future development application. All future development must ensure compliance with state and federal resource protection rules related to jurisdictional water resources.

removed within the disturbance area provided mitigation is provided in accordance with **Section 5.0711**. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed disturbance area, the entire tree shall be included for the purposes of calculating the maximum disturbance area.

5. Except as allowed pursuant to **Subsection (6) below,** when a property containing any RA is divided, plats shall delineate and show the RA as a separate unbuildable tract according to the following process:

    a. The applicant must place at least 90% of the RA in a separate tract. In addition, where mitigation is proposed at the time of land division, any RA that is proposed to be preserved, and therefore is not mitigated, shall also be placed in a separate tract. The separate tract(s), which shall not be a part of any lot used for construction of a dwelling unit or any other development, shall be shown on the preliminary plat.

    b. Prior to final plat approval, ownership of the RA tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

        i. Private natural area held by the owner or homeowners' association by a restrictive covenant conveying storm and surface water management rights to the City; or

        ii. For residential subdivisions, private natural area subject to Natural Resource Easement established in accordance with **Section 9.0300**; or

        iii. At the owner's option and if accepted by the City, public natural area where the tract has been dedicated to the City or Metro along with conveying storm and surface water management rights to the City;

    c. Any of the above documents in **Subsection (b)** shall be submitted to the City for review and after it is approved as part of the final plat review process, be recorded with Multnomah County along with the subdivision plat.

6. If the parent parcel is less than 22,000 square feet, a separate tract is not required. However, the Applicant shall place at least 70% of the RA in a Natural Resource Easement established in accordance with **Section 9.0300.**

7. The amount of impervious area shall be minimized within an RA as follows:

    a. When driveways for multiple properties are proposed inside an RA, the driveways shall be shared by at least two properties.

    b. No access shall be granted through an RA if access can be achieved outside the RA.

8. Within the Pleasant Valley and Springwater subareas (shown on **Map 5.0714-1**), the rear property line of a detached single-family or duplex lot shall not abut an RA. The City may allow exceptions to this standard due to topography, existing development, street layout, or other reasons that make this requirement impractical. Land divisions which do not include new streets or roads are exempt from this requirement.

9. Property Line Adjustments. The following standards apply to Type I Property Line Adjustments (PLAs). The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. The standards in **Subsections (a) and (b), below,** shall be met.

    a. A Property Line Adjustment shall not result in any property being entirely in the RA, unless that property is entirely in the RA before the PLA, or the property will be dedicated or limited by deed restriction to open space use.

    b. The amount of developable area on each property that is outside of the RA may not be reduced below 2,000 square feet with a building envelope whose minimum dimension is at least 16-feet. The Property Line Adjustment shall not cause a property that contains less than this amount of developable area to move further out of conformance.

H. Other Development Activities subject to Maximum Disturbance Area Standard. In addition to the general standards in **Section 5.0709(A)**, the following maximum disturbance area standards apply to all regulated development activities except for those uses and activities regulated by **Subsections (C) through (E) or Subsections (G) through (J), above**. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712**.

1. The maximum permanent disturbance area allowed is 25% of the RA on the site. In addition, a temporary disturbance area is allowed within 10 feet of the proposed improvements up to a maximum of 5% of the RA on the site.

2. The disturbance area (temporary and permanent) shall be entirely outside the HVRA.

3. Trees may be removed within the permanent disturbance area. Within the temporary disturbance area, no trees 24-inches DBH or larger shall be removed. If any part of the Critical Root Zone of a 24-inch DBH or larger tree is within a proposed disturbance area, the entire tree shall be included for the purposes of calculating the maximum permanent disturbance area. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

4. Non-residential applications that are otherwise subject to a discretionary review process shall provide findings demonstrating that the proposal minimizes the number of trees 24-inch DBH or larger proposed for removal.

5.0711 Mitigation Requirements

In order to achieve the goal of reestablishing the ecological values and functions provided by the Resource Area, tree replacement and vegetation planting are required when development extends into an RA. The City of Gresham mitigation requirements can be met by demonstrating compliance with the standards of this section. Applicants who cannot or choose not to comply with the standards of this section may apply for Alternative Review in accordance with **Section 5.0712**.

A. Exemptions. Removal of trees listed on the City of Gresham Invasive Plant List or Dangerous trees are exempt from the mitigation standards of this section. Dangerous Trees shall be replaced at a ratio of one tree planted on site for each tree removed.

B. Jurisdictional Wetlands. Wetland mitigation shall be conducted per the functional and area replacement standards established by the Army Corps of Engineers and the Oregon Department of State Lands. The NRO shall not impose additional mitigation requirements for wetlands that exceed the mitigation ratios or functions required by federal and state law. Impacts to protected water features shall be mitigated within the sub-watershed (6th Field Hydrologic Unit Code) where the property is located, and all mitigation shall be done using native plants. Impacts to any RA that are not within the boundaries of the jurisdictional wetland shall be mitigated pursuant to **Subsections C or D**, as applicable.

C. Mitigation Standards for Single-family Dwellings or Duplexes on existing legal lots of record. Mitigation for single-family attached and detached dwellings, duplexes, and related accessory structures and accessory dwellings on existing legal lots of record shall be conducted off-site by the City of Gresham. Applicants are required to pay for off-site mitigation -in-lieu of providing onsite mitigation otherwise required by the NRO. The payment shall be based on a rate set by Council resolution. Payment is not required in the following situations:

1. Mitigation has been or will be completed for a jurisdictional wetland in accordance with **Subsection (B)** and no other mitigation is required.

2. Mitigation was completed in conjunction with the land division that created the lot in accordance with **Section 5.0710(G)**.

D. Mitigation Standards for All Other Uses and Activities.

1. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed disturbance area. The target plant density within mitigation areas is specified below.

Plant Type	**Target Plant Density within Mitigation Areas**
Trees	436 trees per acre
Shrubs	2,178 shrubs per acre
Ground cover	90 percent coverage within 3 years, 100 percent cover within 5 years

The total number of trees and shrubs required within a mitigation shall be calculated as follows:

Plant Type	**Formula for Calculating Required Mitigation Planting**
Total number of trees	Mitigation Area (sf) x 0.01 trees/sf)
Total number of shrubs	Mitigation Area (sf) x 0.05 shrubs/sf).
Ground cover	Seed or install native ground cover plants (grasses or forbs) to achieve target plant density
NOTE: The number of trees to be planted may be reduced based on the existing canopy coverage of trees within the mitigation area (Adjusted total number of trees = (Mitigation Area (sf) – Existing Canopy Coverage (sf)) x 0.01 trees/sf)). Canopy coverage must be determined by an arborist.	

The number of shrubs to be planted may be reduced based on the total area of continuous shrub coverage within the mitigation area (Adjusted total number of shrubs = (Mitigation Area (sf) – Continuous Shrub Coverage (sf)) x 0.05 shrubs/sf)). Continuous shrub coverage must be identified by a qualified natural resource specialist and surveyed by a professional land surveyor, with dominant species identified.

2. All vegetation shall be planted on the Applicant's site within the RA or in an area contiguous to the RA; provided, however, that if the vegetation is planted outside the RA, then the Applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. Location of mitigation areas shall be prioritized as specified below.

Priority	**Location**
Riparian Priority 1	Within the HVRA, outside of Fire Defensible Spaces Zones 1 and 2
Riparian Priority 2	Within the RA, outside of Fire Defensible Spaces Zones 1 and 2
Riparian Priority 3	Within the HVRA or RA, within Fire Defensible Spaces Zone 2
NOTE: Fire Defensible Spaces Zone 1 – within 10 feet of a habitable structure Fire Defensible Spaces Zone 2 – within 30 feet of a habitable structure No mitigation credit will be given for plantings proposed within a Fire Defensible Spaces Zone 1 (within 10 feet of a habitable structure	

3. All mitigation plantings shall be native species appropriate for site soil types, hydrologic conditions, aspect and existing vegetation coverage, topography, geologic hazard status, and fire safety.

    a. Plantings shall consist of no more than 1 in 10 mitigation trees and no more than 1 in 10 mitigation shrubs designated as belonging to one of the following groups. Numeric limitations apply per group, rather than across all groups.

        ii 'Suspected Climate Stressed' on the Gresham Native Plant List.

        Iii 'Very High Forest Pest Risk' on the Gresham Native Plant List.

    b. If 20 or more mitigation trees are planted, no more than 1/3 shall be of the same species.

    c. If fewer than 100 shrubs are planted at least 3 shrub species are required to be used. For more than 100 shrubs at least 6 shrub species are required to be used.

4. All plants that are on the Gresham Invasive Plant List must be removed from the mitigation area prior to mitigation plant installation. Invasive control methods prior to planting and after planting shall be noted in the mitigation plan.

5. A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting. Compliance with the plan shall be a condition of development

approval.

6. The Applicant is responsible for monitoring the mitigation site for five years and submitting an annual monitoring report to the City during that monitoring period demonstrating that the following minimum success thresholds for mitigation plant survival and invasive species eradication on the site are being met. If survival of trees or shrubs drops below 80% of the initial required planting quantities within the first five years, replacement plants must be added to maintain 80% or greater survival of plantings. Prior to re-planting, the cause of plant mortality must be determined and documented with a description of how the problem will be corrected.

Plant Type	**Success Thresholds**
Mitigation Trees	350 trees per acre (0.008 trees per square foot)
Mitigation Shrubs	1,750 shrubs per acre (0.04 shrubs per square foot)
Mitigation Ground Cover	90% cover after 3 years; 100% cover after 5 years
Invasive plants	Invasive plant coverage may not exceed 20 percent or 25 square feet of contiguous area within the mitigation area.

   a. Plant survival shall be demonstrated as follows:

      i. For mitigation sites that are less than or equal to 0.25 acres in size:

         - Complete census of installed tree and shrub plantings
         - Visual estimate to provide cover and species diversity of herbaceous plants
         - Visual estimate of invasive plant coverage

      ii. For mitigation sites that are greater than 0.25 acres in size:

         - Vegetation sampling to provide annual estimates of cover, species diversity, and density of woody vegetation. Depending on the Mitigation Plan, sampling may need to be conducted within distinct planting zones (i.e. within Fire Defensible Spaces, within riparian forest, within utility corridor, etc.). Annual monitoring shall include the following:
            - Use of permanent plots and visual estimates to sample tree, shrub, herbaceous, and invasive species coverage
            - Sampling shall be conducted during the same stage of the growing season each year, which shall be a period when plants are easily identifiable
            - A minimum of five sample plots for mitigation areas two acres or less. An additional two sample plots for each acre of mitigation area thereafter.
            - Sample plots should cover at least 700 sf
         - Additional vegetation monitoring details can be found in DSL's Routine Monitoring Guidance for Vegetation.

      b. At a minimum, the annual monitoring report must contain the following:

         - Photos from fixed locations
         - Sampling data sheets

- Summarized sampling results
- Monitoring plan showing the location of sample plots and photo points

7. Financial guarantee, in the form of an instrument approved by the City, shall be submitted to the City before building permits are issued, or when no building permit is required before development within the RA commences. It shall be in an amount adequate to cover 110% of the cost of performing the mitigation. The City will release the guarantee at the end of the five-year monitoring period, or before, if it determines that the trees and shrubs have been successfully established.

8. No Certificate of Occupancy will be issued until mitigation has been installed.

E. Requests to provide Payment-in-Lieu of Mitigation. An Applicant may request approval to provide payment-in-lieu of mitigation for all or a portion of the required mitigation. The payment-in-lieu amount is set by Council resolution and shall be used for natural resource projects within the city at large.

1. Type II review of a request to provide payment-in-lieu of mitigation is required for projects involving Design Review (Types B, C, D, and E only), land division, or vegetation removal or disturbance areas within the RA in excess of 10,000 square feet.

    a. Application requirements. In addition to the application requirements in **Section 5.0707**, applicants shall submit an Impact Evaluation and Alternatives Analysis prepared in accordance with **Section 5.0712(A)(1).**

    b. Approval criteria. The Applicant has demonstrated that it is not practicable to complete all or a portion of the mitigation on-site due to insufficient land area suitable for mitigation. Land area may be considered unsuitable for mitigation if it is developed or contaminated or has similar constraints, or if it has existing high quality resources that would not benefit from mitigation.

2. For projects which do not meet the thresholds in **Subsection (1),** applicants may request that the City accept payment-in-lieu of mitigation through a Type I review provided there are no impacts to the HVRA.

3. If the Applicant chooses, the Applicant may offer to convey land to the City, for natural resource purposes, to meet some or all of the payment-in-lieu. Determination of the land's ecological value and whether or not to accept the offer of conveyance is at the city's sole discretion.

5.0712 Alternative Review

Applicants who cannot or choose not to comply with the standards of Section 5.0709, 5.0710, or 5.0711, may apply for Alternative Review in accordance with this Section.

A. Application Requirements. In addition to the items described in Section 5.07087 the Applicant shall also provide information described in Subsections (1) through (3) and any additional information needed to demonstrate compliance with the approval criteria in Subsection B. For utility projects undertaken by public utilities across property that is not owned by the utility, the

utility is not required to map or provide any information about the property except for the area within 100 feet of the location of the proposed disturbance area of the utility's project.

1. Alternatives Analysis and Impact Evaluation. An alternatives analysis and impact evaluation are required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property.

   The alternatives analysis and impact evaluation shall include all the following items:

   a. Identification and assessment of the ecological functions provided by the Resource Areas on the project site, and if it is reasonably certain that there will be off-site impacts, the functions of the RA and HVRA within the same sub-watershed (6th Field Hydrologic Unit Code), including:

      - Hydrologic Function (water storage and delay)
      - Water Quality Function (sediment stabilization and retention, phosphorous retention, nitrate removal and retention)
      - Aquatic Habitat Support Function (for anadromous and/or resident species)
      - Terrestrial Habitat (for invertebrates, native plant diversity, pollinators, birds, reptiles, amphibians, and mammals)
      - Stream Temperature Moderation

   b. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option best reduces the impacts. At a minimum, the analysis should evaluate three alternatives: 1) no project, 2) the preferred alternative, and 3) a second practicable alternative that proposes less development within RAs.

      The alternatives shall be evaluated on the basis of their unavoidable impacts on the RA, the ecological functions provided by the RA on the property and off-site impacts within the sub-watershed (6^{th} Field Hydrologic Unit Code). The applicant must provide adequate detail for the evaluated alternatives so that the distinct locations, designs, and construction methods and their unavoidable impacts can be compared. The applicant must clearly demonstrate that the preferred alternative's location, design, and construction methods represents the alternative with the least unavoidable impact overall to the ecological functions provided by the project site.

   c. For the selected alternative, an explanation of unavoidable impacts must be provided. The full range of impacts must be detailed, including the precise impact areas (both temporary and permanent) as well as impacts to ecological functions provided at the site and, if applicable, within the same sub-watershed.

   d. With the exception of the standard(s) subject to the alternative review, the applicant shall document that all other applicable NRO standards are met.

2. Mitigation Plan for Alternative Review. The purpose of a mitigation plan is to compensate for unavoidable impacts that result from the chosen development alternative as identified in the impact evaluation.

a. An Applicant may choose to develop a mitigation plan consistent with the requirements of Section 5.0711. If an Applicant so chooses, then the Applicant shall submit a mitigation plan demonstrating such compliance.

b. If an Applicant chooses to develop a mitigation plan that would not comply with the requirements of Section 5.0711, then the Applicant shall submit a mitigation plan that includes all the following:

   i. An explanation of how the proposed mitigation will adequately compensate for unavoidable impacts described in the impact evaluation required by Subsection 5.0712(A)(1). The Applicant may use the mitigation that would be required under Section 5.0711 as the baseline mitigation required to compensate for unavoidable impacts to an RA that provides an average level of ecological functions.

   ii. Documentation of permits from Army Corps, DSL, MCDD and DEQ (if applicable).

   iii. A list of all parties responsible for implementing and monitoring the mitigation plan and, if mitigation will occur off-site, the names of the owners of property where mitigation plantings will occur and documentation of a deed restriction.

   iv. The Applicant's mitigation site monitoring, success criteria, and reporting plan.

   v. A complete list of proposed mitigation plantings.

   vi. If offsite mitigation is proposed, a narrative description of why mitigation cannot be completed on site. The following could be considered:

      - Inadequate RA available
      - Remaining RA already includes a documented mitigation area
      - Remaining RA already provides a high level of functions.

   vii. If mitigation is proposed which is not within the same sub-watershed (6th Field Hydrologic Unit Code) as the proposed impact, documentation that provides evidence that there are no properties within the sub-watershed that are available for purchase and/or could provide the opportunity to off-set the project's unavoidable impacts. This could include documentation of the following:

      - Communication records with property owners that potential mitigation areas are not available
      - Records of a documented mitigation area for properties that would otherwise be appropriate for RA mitigation
      - Documentation or analysis results that indicate there are inadequate mitigation opportunities on properties within the sub-watershed

   viii. For a proposal that includes mitigation on a site within the same 5th Field Hydrologic Unit Code, the applicant's mitigation plan should include a

narrative description of how the proposal will adequately offset unavoidable impacts of the project to the functions of the RA.

ix. Mitigation shall not be allowed on sites that are outside of the same 5th Field Hydrologic Unit Code excepting that wetland mitigation of 0.2 acres and less can be mitigated through state-approved PIL or bank opportunities if the applicant can demonstrate no feasible options exist for mitigation within the 5th field HUC.

3. The Impact Evaluation and Alternatives Analysis shall be prepared and signed by a knowledgeable and qualified natural resource professional, such as a wildlife biologist, wetland scientist, botanist, or other appropriate and knowledgeable discipline. The application shall include a description of the qualifications and experience of all persons that contributed to the Alternatives Analysis and Impact Evaluation and to the Mitigation Plan, and, for each person that contributed, a description of the elements of such reports to which the person contributed.

B. Approval Criteria.

1. Avoid intrusion. An Applicant shall first avoid the intrusion of development into the HVRA and RA to the extent practicable. The development that is proposed shall have less overall unavoidable impact to the HVRA or RA or ecological functions of the HVRA or RAs than other practicable alternative(s), including a different practicable alternative(s) that proposes less development within RAs. If there is HVRA on a property then the Applicant shall first avoid the intrusion of development into the HVRA, to the extent practicable. Specifically, the alternatives analysis must demonstrate that there are no practicable alternatives for the proposed use or activity to be located outside the RA or to be located inside the RA and to be designed and constructed in a way that will meet all of the applicable NRO development standards. Where the RA will be avoided, the construction management plan must designate the RA to be left undisturbed and demonstrate that there will be no impacts to the RA or the functions of the RA in the designated area(s). To avoid development in RAs and HVRAs, to the extent practicable, Applicants should consider the best management practices outlined in the Gresham Environmental Technical Guidance Manual.

2. Minimize impacts. If the Applicant demonstrates that there is no practicable alternative that will avoid disturbance of the RA or HVRA, then the development proposed by the Applicant within the RA or HVRA shall minimize unavoidable impacts to the extent practicable. If there is HVRA on a property, then the development within HVRA shall be considered more detrimental than development within other parts of the RA.

a. The applicant's Alternatives Analysis and Impact Evaluation must demonstrate that the proposed development will minimize unavoidable impacts to ecological functions and loss of habitat consistent with uses allowed by right under the base zone, to the extent practicable.

b. To the extent practicable within the RA, the proposed development shall be designed, located, and constructed to minimize grading, removal of native vegetation, disturbance and removal of native soils, adverse hydrological impacts

on water resources , and impacts on wildlife corridors and fish passage through the use of the best management practices and habitat-friendly development practices. Examples of these are outlined in the City of Gresham Environmental Technical Guidance Manual.

3. Mitigate impacts. If the Applicant demonstrates that there is no practicable alternative that will avoid disturbance of the RA, then development shall mitigate for unavoidable impacts. The mitigation plan must demonstrate how the functions listed in 5.0713A(1)a are maintained or enhanced. All proposed mitigation plans shall meet the following standards:

    a. The mitigation plan shall demonstrate that it compensates for unavoidable impacts after taking into consideration the Applicant's efforts to minimize such impacts through the use of the best management practices outlined in the City of Gresham Environmental Technical Guidance Manual and through any additional or innovative techniques.

    b. Mitigation shall occur on the site of the disturbance, to the extent practicable. If onsite mitigation is not practicable, the location of the proposed offsite mitigation must comply with 5.0712(A)(2)(vii)-(A)(2)(x).

    c. All re-vegetation plantings shall be with native plants. listed in the City of Gresham Environmental Technical Guidance Manual.

    d. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife (ODFW) in-stream work timing schedule or approved in-water work timing variance (approved by National Marine Fisheries Service (NMFS).

    e. A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting. Compliance with the plan shall be a condition of development approval.

    f. Financial guarantee, in the form of an instrument approved by the City, shall be submitted to the City before building permits are issued, or when no building permit is required, before development within the RA commences. It shall be in an amount adequate to cover 110% of the cost of performing the mitigation. The City will release the guarantee at the end of the five-year monitoring period, or before, if it determines that the trees and shrubs have been successfully established.

    g. A mitigation plan that entails the amount of planting that would be required under Section 5.0711 based on the amount of proposed disturbance area within the RA, and that otherwise complies with all of the mitigation requirements in Section 5.0711, shall be considered to have satisfied this approval criterion.

5.0713 Modification of NRO Standards

Where the compliance with the NRO would cause unreasonable hardship, applicants may seek a Type II Minor Variance or a Type III Major Variance pursuant to **Section 10.1500.**

5.0714 Mapping Protocols

Mapped Resource Area (RA), High Value Resource Area (HVRA), and Potential Resource Area (PRA) boundaries are based on a GIS-supported application of the following mapping protocols. RAs and HVRAs include water features and buffers and upland habitat. All areas within the boundaries of the water features itself are designated as HVRA. Areas within the boundaries of the buffer are designated as either RA or HVRA. All buffer measurements are based on horizontal distance rather than a slope distance. The buffers recognize the unique natural resource opportunities within the new communities of Pleasant Valley, Springwater and Kelley Creek. The boundaries of these subareas are identified on **Map 5.0714-1.**

A. Resource Areas (RA) and High Value Resource Areas (HVRA). Resource Areas and High Value Resource Areas include areas with the following attributes:

1. Regulated wetlands and associated RA and HVRA.

    a. Water feature. Regulated wetlands are designated as HVRAs. Regulated wetlands include wetlands shown on National Wetland Inventory (NWI) mapping, Local Wetland Inventory (LWI) mapping, and protected wetlands identified in DSL concurred site-specific studies as well as other wetlands associated with streams and other non-wetland waterways. See also **Section 5.0715(B).**

    b. Buffer. The RA and HVRA associated with the regulated wetlands includes a buffer measured 50 feet from the edge of the wetland or from the delineated edge of the wetland, where the edge of the wetland is delineated in accordance with methods required by the Department of State Lands and the Corps of Engineers. The inner 35 feet of the buffer closest to the edge of the wetland is designated as HVRA.

2. Regulated streams and associated RA and HVRA.

    a. Water feature. Regulated streams are designated as HVRAs. Regulated streams include all streams shown on the City's GIS stream layer. The GIS stream layer was developed by modeling LiDAR topography and ground-truthing streams identified in headwater situations. Streams are continued through other waters and wetlands where applicable.

    b. Buffer. The RA and HVRA associated with a regulated stream include a buffer on either side measured from the centerline of the stream. The width of the RA and HVRA varies depending on stream order as described in **Table 5.0714-1**. For the purposes of this chapter, "stream order" is based on the "top down" Strahler system where rivers of the first order are the outermost tributaries. If two streams of the same order merge, the resulting stream is given a number that is one higher. If two streams with different stream orders merge, the resulting stream is given the higher of the two numbers.

3. Other regulated waters and associated RA and HVRA.

a. Water feature. Other regulated (non-wetland) waters are designated as HVRAs. These include ponds and lakes created in-line with a stream channel.

b. Buffer. The RA and HVRA associated with other regulated non-wetland waterbodies include a buffer measured landward from the b Ordinary High Water Mark of the waterbody. The width of the RA and HVRA associated with the waterbody corresponds to the RA and HVRA width associated with the stream order of the stream that flows out of the waterbody, as described in **Table 5.0714-1**.

Table 5.0714-1: Resource Area Buffer Width

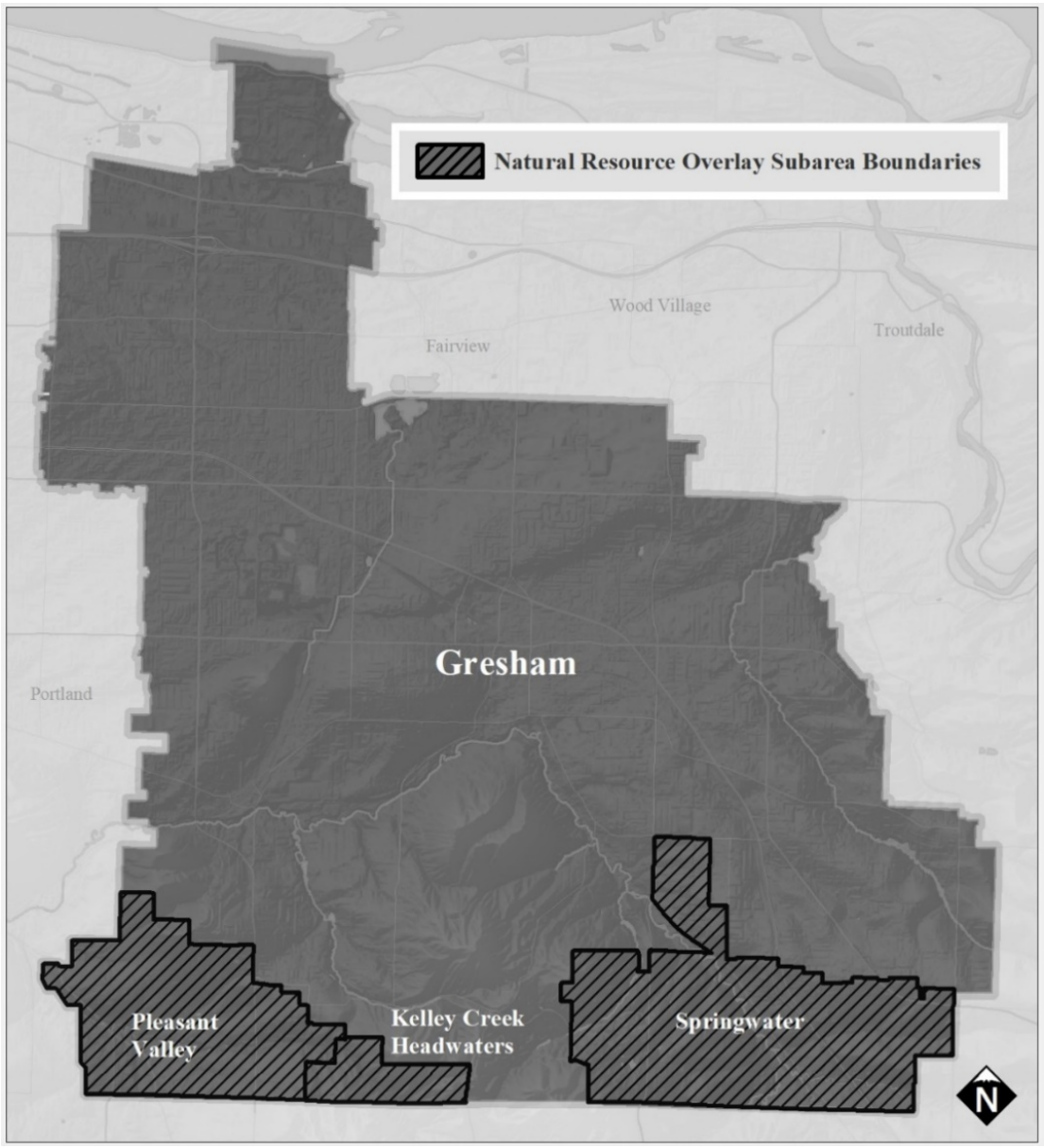
Regulated Water Feature		**Resource Areas Type**	**Pleasant Valley Plan District, Springwater Plan District, Kelley Creek Headwaters**	**All other locations within the City of Gresham**
Streams **Stream Orders 1 - 5** (Measured from centerline of stream)	1	RA	50 feet	50 feet
		HVRA	35 feet	35 feet
	2	RA	200 feet	100 feet
		HVRA	50 feet	50 feet
	3	RA	200 feet	100 feet
		HVRA	50 feet	50 feet
	4	RA	200 feet	100 feet
		HVRA	50 feet	50 feet
	5	RA	200 feet	125 feet
		HVRA	50 feet	50 feet
Wetlands (Measured from delineated edge)		RA	50 feet	50 feet
		HVRA	35 feet	35 feet
Other Waters (Measured from Ordinary High Water Mark)		RA	50 feet	50 feet
		HVRA	35 feet	35 feet

4. Upland Habitat Areas.

a. Significant Upland Habitat Areas which were identified as discrete upland habitat of importance in either the Pleasant Valley Master Plan or the Springwater Master Plan are designated as RA.

b. Publicly owned land acquired predominantly for protection of natural resources or open space uses are designated as RA.

Map 5.0714-1: Natural Resource Overlay Subarea Boundaries



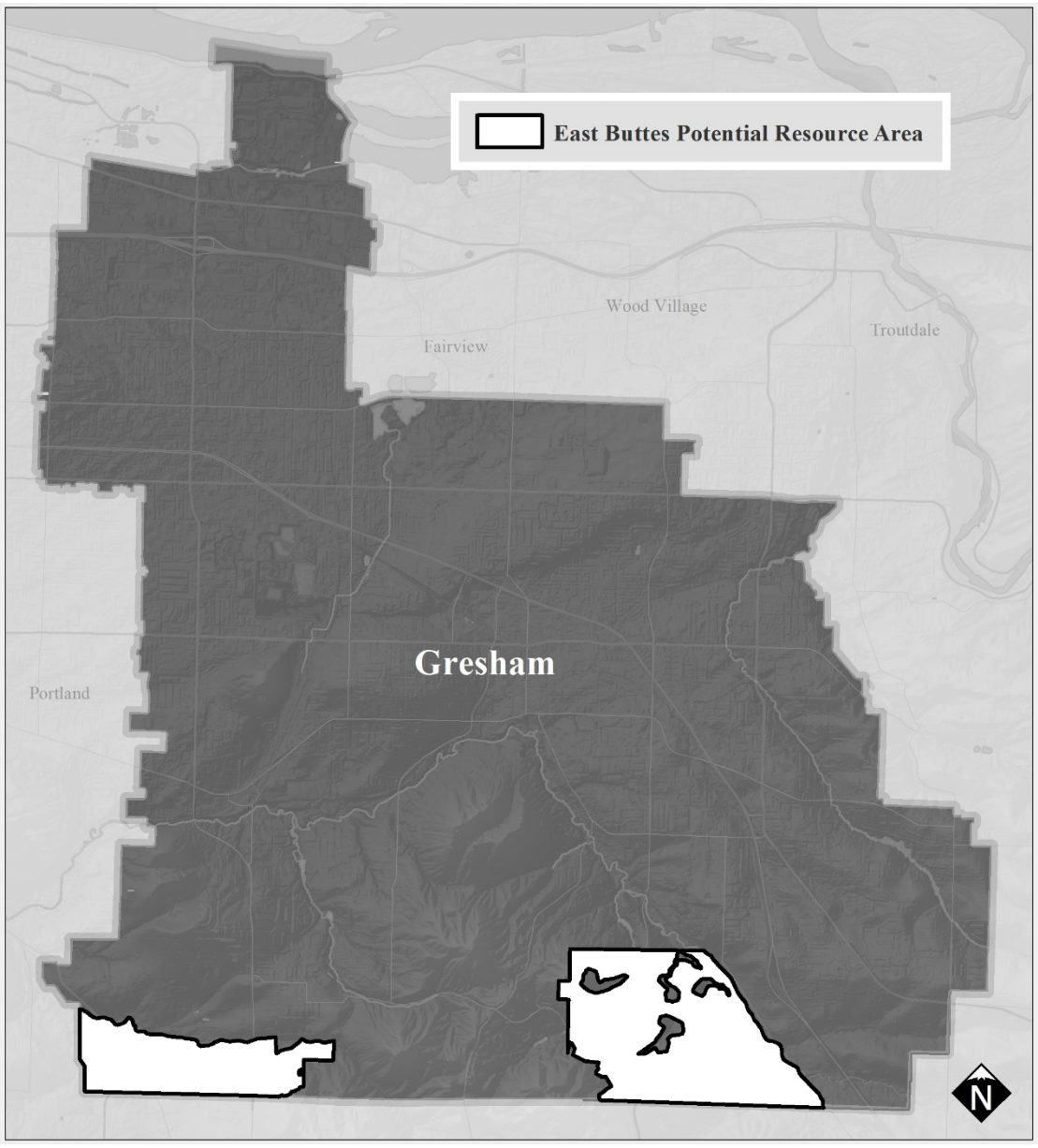
B. Potential Resource Area include the following lands that were not designated as RA, but which have a high probability of including significant wetlands:

1. Those portions of the East Buttes toe of slope (as represented by the breakline contour) that have hydric or partially hydric soils and have not been reviewed as part of a Local Wetland Inventory survey or are not subject to a wetland determination, submitted to the City for review within the last 5 years. These areas are indicated on Figure 5.0714-2.

2. Lots shown on a Local Wetland Inventory survey as "potential wetland."

3. General areas identified by Natural Resources staff and City Consultants as potential wetlands based on existing knowledge and remote sensing data.

Figure 5.0714-2: East Buttes Potential Resource Area.



5.0715 Map Administration and Correction

A. Map Administration. The City shall incorporate all map updates associated with development permit corrections to the location of the RA boundary after the land use decision is final. This shall not be considered a comprehensive plan map amendment. In the case of purchase of upland acquired by a public entity for parks or open space purposes, the map will be updated when change of ownership is provided to the City unless the acquiring agency clearly identifies acquisition was to develop a parcel for active recreational uses. In the case of newly updated

information regarding “Potential Wetlands” under 5.0714.B.3, the map will be updated periodically.

B. Addition of regulated wetlands. As required by Metro Urban Growth Management Plan Section 3.07.340, the City will amend the NRO map to add a wetland when the City or County receives significant evidence that the wetland meets any one of the following criteria:

1. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or

   The wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

2. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or

   The wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

3. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited” water body in OAR Chapter 340, Division 41.

Examples of significant evidence that a wetland exists that may meet the criteria above are a wetland assessment conducted using the 1996 Oregon Freshwater Wetland Assessment Methodology, or correspondence from the Department of State Lands that a wetland determination or delineation has been submitted or completed for property in the City or County.

Wetland data must be submitted according to the most recent version of the Oregon Wetland Mapping Standard and OAR 141-090-0035 including a minimum required horizontal accuracy of 3 feet.

C. Map Corrections. All Applicants who believe that the NRO map is inaccurate may file a correction request consistent with this subsection. Correction requests will be processed under the Type I development permit procedure. The reasons for map corrections and correction criteria are specified in **Table 5.0715-1.**

Table 5.0715-1 Map Correction Criteria.

Disputed Issue	Correction Criteria
Wetland location incorrectly identified	An accurate wetland boundary has been delineated using methods currently accepted by the Oregon Department of State Lands and the U.S. Army Corps of Engineers, and concurrence has been received by Department of State Lands. Wetland data must be submitted according to the most recent version of the Oregon Wetland Mapping Standard and OAR 141-090-0035 including a minimum required horizontal accuracy of 3 feet.
Stream location incorrectly identified	An accurate location of the stream centerline based on the midpoint between Ordinary High Water Marks has been identified and surveyed as specified in the Gresham Environmental Technical Guidance Manual. Removal/Fill of streams after January 15, 2021 will not alter established stream orders.
Other regulated waterbody location incorrectly identified	An accurate location of the feature's Ordinary High Water Mark as defined in **Section 5.0714(A)(3)** has been identified and surveyed as specified in the Gresham Environmental Technical Guidance Manual.
Title 3 Wetland	Completed OFWAM forms documenting the change in protected status and qualifications of the person(s) completing the forms.
Public Purpose for Upland RA	Documentation clearly showing the property was acquired for development with active recreational uses
PRA requirements satisfied	Areas evaluated pursuant to 5.0703(B) may be removed from the PRA in concert with any associated RA and HVRA updates. Where the perimeter of such site evaluations do not coincide with a property line they will be internally buffered by 50 feet and only the resulting areas will be removed from the PRA.

5.0716 Violations

Actions that violate the RA regulations, such as removing protected vegetation or impacting protected water resources without having a required permit, are subject to the abatement and penalty provisions of **Section 2.0008** of the Gresham Community Development Code.

A. For correcting violations regarding unauthorized removal of an RA, the property owner shall submit an application that meets all applicable standards of the NRO including mitigation for all impacts, including tree removal.

B. If one or more of the applicable standards of the NRO cannot be met, then the property owner shall submit a remediation plan for Type II review that demonstrates that there will be:

1. No permanent loss of any type of resource or functional value;
2. A significant improvement of at least one functional value; and
3. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

C. The remediation plan shall be developed by a Professional Wetland Scientist or other knowledgeable and qualified natural resource professional, such as a wildlife biologist, wetland scientist, or botanist.

D. Best practices to accomplish the requirements of the remediation plan are outlined in the Gresham Environmental Technical Guidance Manual.

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
RESIDENTIAL										
10.0100	Accessory Dwelling Units*	N	II	D	A					
10.0410	Conversion of Elderly Housing	Y	II	D	A					
10.0400	Conversion of Residential Units	N	II	D	A					
10.0502	Home Occupation	N	I	D	A					
10.0502	Home Occupation	N	II	D	A					
10.1300	Health Hardship Dwelling Unit	N	I	D	A					
4.0135	Single Family Dwelling/Duplex on a Lot	N	I	D	A					
~~5.0100~~	~~Floodplain Development~~	~~N~~	~~II~~	~~D~~	~~A~~					
~~5.0100~~	~~Minor Floodplain Development******~~	~~N~~	~~I~~	~~D~~	~~A~~					
5.0210	Single Family Dwelling/Duplex on a HGRO Lot 5.0210.A	N	I	D	A					
5.0709	Single Family Dwelling/Duplex on a NRO Lot 5.0709.C	N	I	D	A					
LOTS AND PARCELS (6.0000)										
6.0020	Condominium Creation	Y	II	D	A					
6.0020	Condominium - Final Plat	N	I	D	A					
6.0200	Partition	Y	II	D	A					
6.0300	Planned Developments	Y	III		D				A	
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A					

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
6.0200	Subdivision - Preliminary	Y	II	D	A					
6.0001	Land Division - Final Plat	N	I	D	A					
6.0410	Extension of land use decision	N	I	D	A					
OVERLAY DISTRICTS (5.0000 and ~~A4.000~~)										
5.0000	Special Purpose District Boundary Revisions	Y	III		D				A	
5.0100	Floodplain Development	N	II	D	A					
5.0100	Minor Floodplain Development******	N	I	D	A					
5.0200	Hillside and Geologic Risk Overlay									
5.0209	Programmatic Permit 5.0209.D)	N	II	D	A					
5.0209-5.0211	Stand-alone Permits	N	I	D	A					
5.0213	Alternate Review	N	II	D	A					
5.0300	Historic Landmarks									
5.0322	Addition to Historic and Cultural Landmarks List	N	IV				R			D
5.0322	Designation of National Register Resources as Historic and Cultural Landmarks	N	I	D	A					
5.0323	Removal from List per 5.0323(A)(1)	N	I	D	A					
5.0323	Change in Status or Removal from List per 5.0323(A)(2)(a) or (b)	Y	II	D	A		R			

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
5.0323	Removal from List per 5.0323(A)(2)(c)	N	I	D	A					
5.0333	Relocation or Exterior Alterations of Class 1 Historic Landmarks	N	III		D		R	A		
5.0334	Demolition of Historic Landmark	Y	III		D		R	A		
5.0335	Demolition or Relocation of National Register Resource	Y	III		D		R	A		
~~5.0400~~	~~Habitat Conservation Area~~									
~~5.0411, 5.0412~~	~~Development in HCA~~	~~Y~~	~~II~~	~~D~~	~~A~~					
~~5.0413~~	~~Minor HCA Variance (5.0413.D or 5.0413.E)~~	~~Y~~	~~II~~	~~D~~	~~A~~					
~~5.0413~~	~~Major HCA Variance (5.0413.D or 5.0413.E)~~	~~Y~~	~~III~~		~~D~~					~~A~~
~~5.0414~~	~~City-initiated modification/correction of HCA map~~	~~N~~	~~I~~	~~D~~	~~A~~					
~~5.0414~~	~~Applicant-initiated modification/correction of HCA map~~	~~Y~~	~~II~~	~~D~~	~~A~~					
5.0500	Open Space									
5.0500	Open Space Dedication, in Open Space or Natural Resource Site	N	I	D	A					
5.0500	Open Space Dedication in other areas	N	II	D	A					
~~5.0100 -~~	~~Floodplain Development Permit~~	~~Y~~	~~II~~	~~D~~	~~A~~					

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
~~5.0100 -~~	~~Floodplain Development Permit (if restoration)~~	~~N~~	~~I~~	~~D~~	~~A~~					
5.0700	Natural Resource Overlay									
5.0706	Stand Alone PRA Site Assessment	N	I	D	A					
5.0709	Linear utility facilities	N	I	D	A					
5.0709	Non-linear utility facilities	N	I	D	A					
5.0709	Rights of ways and public access easements	N	I	D	A					
5.0709	Public trails and paths and park enhancements	N	I	D	A					
5.0709	Dangerous Tree Removal	N	I	D	A					
5.0709	Programmatic Permit	N	II	D	A					
5.0709	Municipal utility facilities	N	II	D	A					
5.0709	Land divisions	~~Y~~	II	D	A					
5.0709	Property line adjustment	N	I	D	A					
5.0709	Other development activities in a RA (other than those activities listed above)	N	I	D	A					
5.0710	Request for cash-in-lieu of mitigation	Y	II	D	A					
5.0711	Alternative review	Y	II	D	A					
5.0714	Map Correction	N	I	D	A					
RENEWABLE ENERGY SYSTEMS										

Table 11.0204

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
10.0910	Solar Energy Systems									
	Small (Scale) Solar Energy System	N	I	D	A					
	Medium (Scale) Solar Energy System	N	I	D	A					
	Large (Scale) Solar Energy System	Y	II	D	A					
10.0920	Wind Energy Systems									
	Small (Scale) Wind Energy System	Y	II	D	A					
	Medium (Scale) Wind Energy System	Y	II	D	A					
	Large (Scale) Wind Energy System	Y	III		D				A	
10.0930	Biomass Energy Systems									
	Small (Scale) Biomass Energy System	N	I	D	A					
	Large (Scale) Biomass Energy System	Y	II	D	A					
10.0940	Geothermal Energy Systems									
	Small (Scale) Geothermal Energy System	N	I	D	A					
	Large (Scale) Geothermal Energy System	Y	II	D	A					
10.0950	Micro-Hydro Energy Systems									
	Small (Scale) Micro-Hydro Energy System	Y	II	D	A					
	EV Charging Unit[1] [1]Building permit only is required	N	I	D	A					
MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations	N	II	D	A					

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11.0107	Application for Staff Interpretation	N	II	D	A					
3.0206	Determination of Similar Use	N	II	D	A					
10.1530	Major Variance****	Y	III		D					A
10.1510	Minor Variance	N	II	D	A					
11.0104	Modification of Conditions*****	N	**							
10.1521	Modification of Regulations	N	II	D	A					
9.0110	Alternative Buffers	N	II	D	A					
7.0212	Solid Waste Collection Standard exception	N	II	D	A					
TREES (9.1000)										
	Tree removal of:									
9.1000	Hazard Trees	N	I	D	A					
9.1000	~~Hazard Trees in Overlays and~~ Significant Trees	N	II	D	A					
9.1000	Imminent Hazard Trees	N	I	D	A					
	Tree removal <u>during development</u> for all uses:									
9.1000	Removal of Regulated Trees in excess of the number exempt from a permit and Significant Trees	N	II	D	A					
~~9.1000~~	~~Removal of 3 or fewer Regulated Trees in certain overlay districts~~	~~N~~	~~I~~	~~D~~	~~A~~					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
~~9.1000 -~~	~~Removal of other Regulated Trees in certain overlay districts~~	~~N~~	~~II~~	~~D~~	~~A~~					
	Tree removal post development for all uses and land designated for those uses:									
9.1000	Tree Removal of Regulated Trees in excess of the number exempt from a permit and Significant Trees	N	II	D	A					
~~9.1000~~	~~Removal of Required Trees; and 3 or fewer non-native or invasive Regulated Trees In certain overlay districts~~	~~N~~	~~I~~	~~D~~	~~A~~					
~~9.1000 -~~	~~Removal of other Regulated Trees in certain overlay districts~~	~~N~~	~~II~~	~~D~~	~~A~~					
9.1000	Significant Tree Designation	N	II	D	A	R				
9.1000	Significant Tree Designation Removal	N	II	D	A	R				
DESIGN REVIEW (7.0000)										
7.0003	Design Review A	N	I	D	A					
7.0003	Design Review B	N	I	D	A					
7.0003	Design Review C	N*******	II	D	A					
7.0003	Design Review D, Non-Design District	Y	II	D	A					
7.0003	Design Review D, Design District	Y	II	D				A		

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7.0003	Design Review D, Design District, Exempt from Design Standards and Guidelines	Y	II	D	A					
7.0003	Design Review E, Design District	Y	III					D		A
SPECIAL USE REVIEW (8.0100)										
8.0110	Special Use Review II	Y	II	D	A					
8.0140	Special Use Review III***	Y	III		D				A	
	Design District	Y	III					D		A
NON-CONFORMING USES (8.0200)										
8.0250	Establishment	N	I	D	A					
8.0220	Replacement	N	I, II	D	A					
8.0200	Expansion	Y	II	D	A					
INSTITUTIONAL MASTER PLANS (8.0300)										
8.0303	Institutional Master Plan	Y	III						D	A
8.0303	Institutional Master Plan Final	N	I	D					A	
8.0303	Institutional Master Plans Modifications	Y	III						D	A
8.0303	Institutional Master Plans Limited Review	Y	II	D					A	
TEMPORARY, INTERMITTENT AND INTERIM USES (10.1400) AND FOOD AND BEVERAGE CARTS (10.1600)										
10.1400	Temporary or Intermittent Use Permit	N	I	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
10.1400 10.1600	Interim Use or Food and Beverage Cart Permit									
10.1400 10.1600	Applications for replacement Agricultural Product Sales; Commercial Stands, Long Term; or Food and Beverage Carts at sites previously approved for that purpose	N	I	D	A					
10.1400 10.1600	All reviews for Other Interim Uses Initial review for new sites for Agricultural Product Sales; Commercial Stands, Long Term; or Food and Beverage Carts or for sites where the number of Interim Uses or Food and Beverage Carts is proposed to exceed that previously approved	N	II	D	A					
TRANSPORTATION										
9.0700	Future Street Plans									
9.0700	New or revised, in conjunction with a land division and/or design review	Y	II	D	A					
9.0700	New or revised future street plan, independent of other land use review	Y	III		D					A
9.0700	Revision in conjunction with the Community Development Plan	N	IV						R	D

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
A13.000	Street Name Change	N	IV						R	D
OTHER										
11.0106	Extension of land use approval	N	I	D	A					
A1.0000	Annexation	Y	IV							D
12.0000	Code or Plan Map Amendment									
12.0000	One parcel or small group of parcels	Y	III						R	D
12.0000	Conditioned	Y	III						R	D
12.0000	Large area/multiple ownerships	N	IV						R	D
11.0206	Code or Plan Text Amendment	N	IV						R	D
4.1470-4.1486, 4.1530-4.1535	Master Plans	Y	III						D	A
A6.010	Sign Permit (Design Commission review if sign is part of a project requiring Commission review)	N	I	D	A			R		
A7.000	Vacations	Y	IV						R	D
~~4.1432, 4.1452, 4.1572 & 4.1592~~ -	~~ESRA Modification~~		~~II~~	~~D~~	~~A~~					
10.0700	Resource Utilization Permit	Y	III		D					A

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	Miscellaneous Type I	N	I	D	A					
	Miscellaneous Type II	N	II	D	A					
	Miscellaneous Type III	Y	III		D					A
*	Exceptions: Accessory Dwellings in the DCC, DMU, DTM, DRL-1, DRL-2 and CNRM Districts limited to no more than 750 square feet shall be processed as Type I applications. In all other districts, Accessory Dwellings located within a single-family home and limited to no more than 900 square feet shall be processed as a Type I application.									
**	Level of review for modification shall be the same level of review as for the component of the application for which the modification is sought, unless specified otherwise.									
***	Unless noted in Section 8.0100 that the Planning Commission is the decision authority. In that case, the City Council is the appeal authority.									
****	All variances to height in the GBSV District are Major Variances. The decision authority is the Planning Commission, with appeals heard by the City Council.									
*****	Modifications to DR-E application approvals are governed by the provisions of Section 11.0108.									
******	Development listed in Section 5.0104(A)(2).									
*******	Pre-application meetings required only for development described in 7.0003(C)(3)(b) and (c)									