

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

CPA-25-00172
 Draft date: March 17, 2026

ORDINANCE NO.

**AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE
 COMMUNITY DEVELOPMENT PLAN, REGARDING THE ENVIRONMENTAL
 OVERLAY DISTRICT, PHASE 2, PART 1**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 5.0700 Natural Resource Overlay District is amended as follows:

Proposed Text Amendment	Commentary															
<p>***</p> <p>5.0706 Permit Required</p> <p>Unless exempt pursuant to Section 5.0705, a permit is required for all regulated activities within the NRO as follows:</p> <p>***</p> <p>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).</p> <p>Table 5.0706-1 Permit Procedure and Additional Applicable Standards for Development within an RA</p> <table border="1" data-bbox="240 1402 1117 1864"> <thead> <tr> <th>Proposed Activity or Request</th> <th>Permit Procedure</th> <th>Applicable Standards</th> </tr> </thead> <tbody> <tr> <td>PRA review</td> <td>Type I</td> <td>5.0703(B)</td> </tr> <tr> <td colspan="3">Standards for development in a RA</td> </tr> <tr> <td>Development of a single detached dwelling or middle housing on a lot of record</td> <td>Type I</td> <td>5.0710(A)</td> </tr> <tr> <td>Linear utility facilities</td> <td>Type I</td> <td>5.0710(B)</td> </tr> </tbody> </table>	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 detached dwelling or middle housing on a lot of record	Type I	5.0710(A)	Linear utility facilities	Type I	5.0710(B)	
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Non-linear utility facilities <u>other than Public Stormwater Facilities</u>	Type I	5.0710(C)	<p><i>Edited to match proposed amendment in Section 5.0710(C) & (D).</i></p> <p><i>Add new section for Stormwater Facilities option.</i></p> <p><i>Section letter updates needed to accommodate new section (D).</i></p>
<u>Public Stormwater Facilities</u>	<u>Type I</u>	<u>5.0710(D)</u>	
Rights of ways and public access easements	Type I	5.0710(D)(E)	
Public trails and paths and park enhancements	Type I	5.0710(E)(F)	
Dangerous Tree Removal	Type I	5.0708(A)	
Programmatic Tree Removal	Type II	5.0708(B)	
Municipal utility facilities	Type II	5.0710(F)(G)	
Land divisions	Type II	5.0710(G)(H) (1-8)	
Property line adjustment	Type I	5.0710(G)(H)(9)	
Other development activities in a RA (other than those activities listed above)	Type I	5.0710(H)(I)	
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)	

5.0710 Standards for Specific Development Types within a Resource Area

C. Standards for Non-Linear Utility Facilities other than Public Stormwater Facilities. These standards apply to non-linear minor basic utilities such as diversion structures, lift stations, pump stations, wellheads, and 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

Clarification due to added section (D).

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**.

D. Public Stormwater Facilities. These standards apply to publicly owned and maintained stormwater facilities designed to manage water quality and/or water quantity and serve more than one lot or development. The general standards in **Section 5.0709(A)** and **5.0711** apply, except as noted herein. These standards apply to new facilities and upgrades of existing facilities that are proposed as a standalone project or in conjunction with other development (e.g., a land division). Where applied in conjunction with other development, all applicable standards of both sections will apply, except that allowances for disturbance area and tree removal (including **Section 5.0710(H)(4)**, **5.0710(I)(1)** and **5.0710(I)(3)**) shall not be combined with the allowances of this section.

Applicants who cannot or choose not to comply with the standards of this section may choose to follow **Section 5.0710(H)** or **5.0710(I)** if applicable, without using the additional allowances of this section, or may apply using the Alternative Standards in **Section 5.0712**.

1. Disturbance areas shall not be allowed in the HVRA and must be at least 50 feet from the outer boundary of the HVRA.
2. The maximum disturbance area is limited to the footprint of the proposed stormwater facility, an access route for maintenance, and necessary temporary disturbance to construct the facility such as grading and construction access. Where the provisions of this section are applied, no additional disturbance to the Resource Area is allowed, including allowances for disturbance otherwise permitted under **Section 5.0710(H)(4)** and **5.0710(I)(1)**.
3. A maximum of six trees under 6 inches DBH may be removed within the disturbance area. No trees 6-inch DBH or larger shall be removed within the Resource Area. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.
4. Stormwater facilities must be vegetated according to the **Gresham Stormwater Management Manual**.

New section to increase allowances for stormwater facilities in Resource Area under a Type I review. Provides alternative to following disturbance area allowances for Land Divisions and Other Development.

Preserves the option to use current code allowances for land division and "other development." Developers may choose D, or may choose H or I as applicable. Applications with roadways or other development in the RA would need to use H or I or could still choose Type II review.

Allowances for this section are only intended to apply to relatively open areas. Proposal is more restrictive than current tree removal allowances for standalone facilities.

5. All permanent disturbance shall be mitigated following the standards of **Section 5.0711.**
6. No walls are allowed in conjunction with stormwater facilities within the Resource Area.
7. Where this provision is used in conjunction with a land division application, the requirements of **Section 5.0710(H)(5) or 5.0710(H)(6), as applicable, may be satisfied by putting 100 percent of the Resource Area cumulatively within either a tract as described by that section or a public stormwater tract.**

D.E. 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.**

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), H** below. Dangerous Trees or trees listed on the City of Gresham Invasive Plant List are exempt from this standard and may be removed.

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)E**. 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.**

F. Standards for Municipal Facilities.

The following changes implement section letter updates needed to accommodate new section (D).

G. H. 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.**

H.I. 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)(F) or Subsections (G) through (J), (H) 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.**

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.**

C. Mitigation Standards for Single Detached Dwellings or Middle Housing on existing legal lots of record. Mitigation for single detached dwellings, middle housing, 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)(H).**

The following changes implement section letter updates needed to accommodate new section (D).

Section 2. Volume 3, Development Code, Section 11.0200 Initiation and Classification of Applications is amended as follows:

Proposed Text Amendment		Commentary																																																																																																																																																																																																				
<p>***</p> <p>11.0204 Review Authorities</p> <p>***</p> <p>Table 11.0204 - Land Use Applications and Review Authorities</p> <p>R = Recommendation D = Decision Authority A = Appeal Authority UFS = Urban Forestry Subcommittee HRS = Historic Resources Subcommittee DC = Design Commission PC = Planning Commission CC: City Council</p> <p>***</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Application</th> <th>Pre-App</th> <th>Type</th> <th>Manager</th> <th>Hearings Officer</th> <th>UFS</th> <th>HRS</th> <th>DC</th> <th>PC</th> <th>CC</th> </tr> </thead> <tbody> <tr> <td colspan="12">Overlays</td> </tr> <tr> <td>***</td> <td>***</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0700</td> <td>Natural Resources</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0710(A)</td> <td>Development of a Single Detached Dwelling or Middle Housing on a Lot of Record</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0710(B)</td> <td>Linear Utility Facilities</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0710(C)</td> <td>Non-Linear Utility Facilities <u>Other than Public Stormwater Facilities</u></td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(D)</u></td> <td><u>Public Stormwater Facilities</u></td> <td><u>N</u></td> <td><u>I</u></td> <td><u>D</u></td> <td><u>A</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(D)</u> <u>(E)</u></td> <td>Rights-of-Ways and Public Access Easements</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(E)</u> <u>(F)</u></td> <td>Public Trails and Paths and Park Enhancements</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(F)</u> <u>(G)</u></td> <td>Municipal Utility Facilities</td> <td>N</td> <td>II</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(G)</u> <u>(H)(1-8)</u></td> <td>Land Divisions</td> <td>Y</td> <td>II</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(G)</u> <u>(H)(9)</u></td> <td>Property Line Adjustment</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>5.0710(H)</u> <u>(I)</u></td> <td>Other Development Activities in a RA (other than those activities listed above)</td> <td>N</td> <td>I</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0711(E)</td> <td>Request for Payment-in-Lieu of Mitigation</td> <td>Y</td> <td>II</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5.0712</td> <td>Alternative Review</td> <td>Y</td> <td>II</td> <td>D</td> <td>A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>***</p>												Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC	Overlays												***	***										5.0700	Natural Resources										5.0710(A)	Development of a Single Detached Dwelling or Middle Housing on a Lot of Record	N	I	D	A						5.0710(B)	Linear Utility Facilities	N	I	D	A						5.0710(C)	Non-Linear Utility Facilities <u>Other than Public Stormwater Facilities</u>	N	I	D	A						<u>5.0710(D)</u>	<u>Public Stormwater Facilities</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>						<u>5.0710(D)</u> <u>(E)</u>	Rights-of-Ways and Public Access Easements	N	I	D	A						<u>5.0710(E)</u> <u>(F)</u>	Public Trails and Paths and Park Enhancements	N	I	D	A						<u>5.0710(F)</u> <u>(G)</u>	Municipal Utility Facilities	N	II	D	A						<u>5.0710(G)</u> <u>(H)(1-8)</u>	Land Divisions	Y	II	D	A						<u>5.0710(G)</u> <u>(H)(9)</u>	Property Line Adjustment	N	I	D	A						<u>5.0710(H)</u> <u>(I)</u>	Other Development Activities in a RA (other than those activities listed above)	N	I	D	A						5.0711(E)	Request for Payment-in-Lieu of Mitigation	Y	II	D	A						5.0712	Alternative Review	Y	II	D	A						<p>To match proposed amendment in Section 5.0700.</p>									
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