

# ARTICLE 8 SPECIAL USES

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## Special Use Review, Generally

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### 8.0101 Purpose

The purpose of the Special Use Review section is to provide a method for evaluating uses that may be compatible in an underlying land use district, provide beneficial services, and serve important public interests, but require case-by-case review because of their size, operation, uniqueness, impact, or other characteristic. These uses are subject to the regulations in this section because they may, but do not necessarily, result in significant impacts upon the surrounding area, neighborhood, environment, or public facilities. This section provides the procedures under which uses subject to the Special Use Review process may be permitted, modified, enlarged or intensified.

Special use reviews are reviewed through a Type II or Type III procedure. Those uses that have a broader public interest or impact are reviewed through the Type III procedure. Both review procedures provide an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if concerns cannot be resolved.

Approval of a Special Use Review shall not constitute a change in the land use district and shall be granted only for the specific use approved at the specific site. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

### 8.0102 Applicability

Uses that require a Special Use Review and are subject to the regulations of this section are stated in the use tables in **Article 4** that apply to the site, or in the Land Use Classification System found in **Section 3.0200**. This includes the permitting of a new use subject to this section and the modification, enlargement, or intensification of an existing use subject to this section. **Section 8.0112** highlights uses subject to the Type II procedure. **Section 8.0142** highlights uses subject to the Type III procedure.

Over time, Development Code regulations applicable to a specific site may change. This may be a result of changes to the content of the regulations for a specific district or from a change to the Community Plan Map. After one of these changes, if an existing use was allowed outright, approved through the Community Service Use or Special Use Review, or was a nonconforming use and is now subject to the Special Use Review, the use is considered de facto approved and may continue to operate. Any modifications to the use are subject to the procedures in this section, and shall be reviewed through the Type II procedure.

When a proposed use is located on a site that is in more than one land use district, and the proposed use is subject to a Special Use Review in one district and an allowed or limited use in the other, the proposal shall be subject to Special Use Review.

### 8.0103 General Standards

An applicant for a Special Use Review shall provide a narrative that describes how the proposed use fulfills the applicable requirements and standards for the use and for those found in **Article 7, Section 8.0100**, the applicable plan district(s) for the site, and other applicable Code sections. In order to minimize adverse impacts of the proposed use, an approval of a Special Use Review may be conditioned based upon information provided in the narrative and staff findings.

For purposes of the Special Use Review, the narrative shall describe the following, as applicable:

1. The proposed use and its operations;
2. Traffic generation;
3. Location of parking and loading, including size, location, screening, drainage, landscaping, and surfacing;
4. Any effects on off-site parking;
5. Street access points, including size, number, location and/or design;
6. Hours of operation, including when certain activities are proposed to occur;
7. Crime prevention measures;
8. Noxious odors;
9. Lighting;
10. Effects on air and water quality;
11. Environmental effects which may disturb neighboring property owners such as:
  - a. Glare. This may be described in terms of location, design, intensity and shielding;
  - b. Noise;
  - c. Dust; and
  - d. Vibration;
12. Height, size, setback, and location of buildings and activities;
13. Any diking, berms, screening or landscaping, and standards for their installation and maintenance; and
14. Other resources. This description shall include information on protection and preservation of existing trees, vegetation, water resources, habitat areas, drainage areas, historic resources, cultural resources, sensitive lands, or other significant natural resource.

## **8.0110 Special Use Review, Type II Procedure**

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### **8.0111 Purpose and Review**

A Type II procedure may be used to review certain uses subject to a Special Use Review. The review provides an opportunity to allow a use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

This review considers general standards found in **Section 8.0103**, standards specific to the use found in **Sections 8.0113-8.0122** and other Development Code standards which are applicable to the proposal. The criteria and standards set forth in this section apply only when the particular use is subject to a Special Use Review in the underlying land use district. The narrative for Special Use Reviews through the Type II procedure shall describe how the operating and physical characteristics of the proposal have been made reasonably compatible with and have a minimal impact on livability, appropriate use, and development of properties in the surrounding area of the subject site.

### **8.0112 Applicability of the Type II Procedure**

The following uses may pursue a Special Use Review through the Type II procedure when they are specified as being subject to a Special Use Review in **Article 4** or in the Land Use Classification System found in **Section 3.0200**.

- A. Bed and Breakfast Inns (**Section 8.0113**)

- B. Attached Dwellings on a Single Lot, limited to transitional housing for individuals transitioning from incarceration facilities.
- C. Elderly Housing (**Section 8.0114**)
- D. Daycare Facilities
- E. Civic Uses, limited to police stations, fire stations, and other similar emergency service facilities (**Section 8.0115**)
- F. Community Services (**Section 8.0116**)
- G. Parks, Open Spaces, Trails and Paths, limited to public neighborhood parks; public urban plazas; and public trails and paths and associated trail access points (**Section 8.0117**)
- H. Religious Institutions, limited to those where the principal place of assembly may accommodate no more than 300 individuals (**Section 8.0118**)
- I. Schools, limited to elementary and middle schools (**Section 8.0119**)
- J. Heliport Facilities (**Section 8.0120**)
- K. Major Basic Utilities, excluding electrical generating facilities (**Section 8.0121**)
- L. Wireless Communication Facilities (**Section 8.0122**)
- M. Renewable Energy Systems including:
  - Solar Energy Systems (**Section 8.0123**)
  - Wind Energy Systems (**Section 8.0124**)
  - Biomass Energy Systems (**Section 8.0125**)
  - Geothermal Energy Systems (**Section 8.0126**)

### **8.0113 Bed and Breakfast Facilities**

In addition to the standards in **Section 8.0103**, the following apply to bed and breakfast facilities where they are allowed through the Type II Special Use Review procedure:

- A. The structure used for a bed and breakfast facility shall be designed for and occupied as a single-family detached dwelling. The structure shall maintain the characteristics of a single-family detached dwelling. The structure must have been occupied for at least five years of its life as a single-family detached dwelling before a bed and breakfast facility is allowed.
- B. All residences used for a bed and breakfast facility shall be occupied as the primary residence of the applicant who operates the facility. The facility must be an accessory use to the primary residential use.
- C. A maximum of four sleeping rooms shall be made available for guest occupancy.
- D. A minimum of one on-site parking space shall be provided for each bed and breakfast guest sleeping room. In addition, parking standards normally required for a single-family detached dwelling apply. Guest parking shall not be allowed in a required front yard.
- E. One on-premise sign shall be permitted. The sign shall be non-illuminated and shall not exceed 6 square feet of face area and 3 feet in height above grade.
- F. The duration of each guest's stay at the bed and breakfast facility shall be limited to no more than 30 consecutive days.
- G. All bed and breakfast facilities shall be inspected and approved by the City Building Official and Fire Prevention Officer prior to the issuance of an occupancy permit. The facility shall conform to the requirements of the applicable Building, Specialty, Fire and other Codes. Only rooms designed as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector.
- H. Bed and breakfast facilities shall obtain and maintain a City Business License and are subject to the City Transient Lodging Tax. Bed and breakfast facilities shall obtain and maintain all applicable licenses and permits required by the State of Oregon.

- I. If a bed and breakfast facility is not established within one year of the development permit approval date, or if the use of the residence as a bed and breakfast facility lapses for over one year, the development permit shall automatically expire and a new application will be required.
- J. If the bed and breakfast facility is found to be in violation of the standards and requirements of this section, the Manager, pursuant to the Type II procedure, may revoke its development permit.

### **8.0114 Elderly Housing**

In addition to the standards in **Section 8.0103**, the following apply to elderly housing where it is allowed through the Type II Special Use Review procedure:

- A. Elderly housing shall meet at least one of the following standards:
  1. Be located in the Station Center District; or
  2. Be located in the Downtown Plan District; or
  3. Be located in the Rockwood Town Center District; or
  4. Be located in the Civic Neighborhood Plan District; or
  5. Be located in the Townhouse Residential – Springwater District; or
  6. Have frontage on a Transit Street or a Transit Route;\* or
  7. Be within 1,000 feet walking distance of a transit facility and have direct access to a street with a functional classification of minor arterial or greater. For the purposes of this section, a transit facility includes a light rail transit station, a park and ride lot for transit riders, a transit center, or a transit stop and their transit improvements, including a bus stop.

\*The following properties zoned MDR-12, MDR-24 and OFR meet the transit street or transit route standard:

- Those fronting Palmquist between Regner Road and Hogan Drive
- Those within the borders of Hogan Drive, Palmquist, Powell and Mt. Hood Highway
- Those fronting Hogan Drive/Road
- Those fronting Cleveland Avenue between Burnside and Stark
- The MDR-12 lots fronting NE 185<sup>th</sup> Place north of Glisan Street

- B. Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed a maximum of 62 living units per acre in all other land use districts or the maximum allowed in the land use district, whichever is greater.

### **8.0115 Civic Uses**

In addition to the standards in **Section 8.0103**, the following apply to Civic Uses located in a residentially designated land use district and allowed through the Type II Special Use Review procedure:

- A. Civic uses shall have direct access to a street with a functional classification of minor arterial or greater.

### **8.0116 Community Services**

In addition to the standards in **Section 8.0103**, the following apply to Community Services where they are allowed through the Type II Special Use Review procedure:

- A. Cemeteries are exempt from floor area ratio and maximum setback requirements.
- B. New cemeteries are prohibited in the GBSV District.

### **8.0117 Parks, Open Spaces, and Trails**

In addition to the standards in **Section 8.0103**, the following apply to Parks, Open Spaces, and Trails, limited to public neighborhood parks; public urban plazas; and public trails and paths and associated trail access points and trailheads where they are allowed through the Type II Special Use Review procedure:

- A.** Exemptions.
  - 1.** Open spaces are exempt from a Special Use Review.
  - 2.** Those public trails and paths that pursuant to **Section 11.0102(E)(1)** do not require a Development Permit are exempt from the standards of this section.
- B.** All Parks, Open Spaces and Trails and Path uses are exempt from floor area ratio and maximum setback requirements.
- C.** For Paths, Trails, Access Points and Trailheads:
  - 1.** The applicant shall provide a narrative and plans that demonstrate the consistency of the proposal with applicable district requirements and applicable provisions of the current Paths and Recreation Trails and Natural Areas Master Plan and the Public Works Standards.
  - 2.** If the application includes a surface parking lot it shall be consistent with **Section 9.0823** and any applicable district parking requirements, except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in **Section 9.0823(C)(1), (2) and (3)**.
  - 3.** The Buffering and Screening Requirements of **Section 9.0100** shall apply except in the following situations:
    - a.** Where the proposed paths or trail development is more than 30 feet from an abutting property line; or
    - b.** Where the abutting property is an open space parcel; or
    - c.** Where the proposed paths or trail development abuts a street right-of-way.
  - 4.** When buffering and screening is required, an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering.
  - 5.** The application is exempt from the Site Design Criteria and Standards in Articles 4 and 7 relevant to: landscaping, energy conservation, loading, lighting, mechanical equipment screening and transit design.

### **8.0118 Religious Institutions**

In addition to the standards in **Section 8.0103**, the following apply to Religious Institutions where they are allowed through the Type II Special Use Review procedure:

- A.** The principal place of assembly has seating for no more than 300 persons. Those religious institutions that do not meet this standard shall be reviewed through the Type III procedure.
- B.** Street access: Proposed religious institutions shall have direct access to a street with a functional classification of minor arterial or greater.
- C.** Religious institutions where the principal place of assembly has seating for no more than 100 persons are exempt from a Special Use Review.

### **8.0119 Schools**

In addition to the standards in **Section 8.0103**, the following apply to Schools, including elementary and middle schools, where they are allowed through the Type II Special Use Review procedure:

- A. For all school types, portable classrooms are exempt from floor area ratio, maximum setback requirements, and are not subject to a Special Use Review. They must still obtain a building permit.
- B. Elementary and middle schools are prohibited in the GBSV District.

### **8.0120 Heliports**

In addition to the standards in **Section 8.0103**, the following apply to Heliports where they are allowed through the Type II Special Use Review procedure:

- A. Helicopter landing facilities are exempt from floor area ratio and maximum setback requirements.
- B. The applicant shall provide an acoustical and mitigation plan report that details the design and measures to be taken which will minimize noise impacts to noise sensitive units as defined in Article 7.20. Noise Control Code of the Gresham Revised Code. The report, at a minimum, shall discuss and make recommendations for:
  - 1. Best management practices concerning preferred approach/departure flight paths;
  - 2. Preferred approach/departure path slopes;
  - 3. Preferred approach/departure air speeds;
  - 4. Preferred times of use;
  - 5. Nearby existing natural flight corridors such as freeways and industrial areas that the helicopter landing facility may utilize; and
  - 6. Other relevant factors.

The plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. The report shall be prepared by a professional consultant experienced in airport noise evaluation and federal and state airport noise standards.

The report shall include the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly and annual basis, and the purpose of the helicopter trips and an approach/departure flight path plan showing proposed flight path locations, widths, lengths and slopes.

- C. The applicant shall demonstrate that an application has been made to the Oregon Department of Transportation, Aeronautics Section, by submitting a copy of the helicopter application made to OAD which identifies the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.
- D. Minor or emergency repairs and routine maintenance are allowed in all districts.
- E. All storage and repair shall be conducted in enclosed buildings.
- F. All take-off, landing, and parking areas shall be surfaced with a dust proof and gravel free material.
- G. Setbacks. A setback distance of 200 feet shall be required for landing and take-off pads and refueling facilities from abutting Residential Development Districts, Mixed-Use Development Districts and NC District property lines. A setback distance of 50 feet shall be required for landing and take-off areas and refueling facilities from all other abutting property lines. All setback distances will be measured from the edge of the landing pad. This provision does not apply to landing and take-off pads located on top of a building. Other site improvements shall be consistent with the applicable setback yard provisions of the underlying district.

- H. Buffer and Screening. A 20-foot wide landscaped buffer and screening area shall be provided around the landing and take-off pads and refueling facilities. Landscape plantings shall be consistent with the vegetative requirements of the 'C' buffer of **Section 9.0100**. This requirement is in addition to any buffering and screening required by **Section 9.0100** of the Community Development Code. The trees must be located so as to not encroach into an 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions. This provision does not apply to a helicopter landing facility on top of a building.
- I. Prior to occupancy of an approved helicopter landing facility, the applicant must submit a copy of the Oregon Department of Transportation Aeronautics Section heliport application approval.

### 8.0121 Major Basic Utilities

In addition to the standards in **Section 8.0103**, the following apply to major basic utilities where they are allowed through the Type II Special Use Review procedure:

- A. Basic utilities are exempt from floor area ratio and maximum setback requirements.
- B. Electrical generating facilities are subject to a Type III Special Use Review procedure.
- C. Sewage treatment plants shall not be located in or adjacent to residentially designated land.
- D. Telephone switching stations,\* new water storage reservoirs, major stormwater treatment facilities and substations are prohibited in the GBSV District.  
 \*(Note: This is current code language that may be outdated. A more appropriate term may be Telecommunications Facilities.)
- E. In the GBSV District, existing water storage facilities may be replaced when reviewed under the Type II Special Use Review process if the proposed height of the facility is no greater than the maximum height of the underlying land use district. If the proposed height exceeds the maximum height of the underlying land use district, a request for a Type III Variance to height must also be submitted as part of the application.

### 8.0122 Wireless Communications Facilities

In addition to the standards in **Section 8.0103**, the following apply to new or replacement wireless communications facilities where allowed through the Type II Special Use Review procedure and the Type III Special Use Review procedure when located in the GBSV District.

- A. An applicant for a wireless communication facility that includes a WCF tower must demonstrate that the proposed facility cannot be feasibly co-located on an existing WCF tower in the service area, in which case the new WCF tower shall be located at the same site as an existing WCF tower or located no closer than 2,000 linear feet from another existing WCF tower.
- B. No wireless communication facility tower shall be located within the LDR-5, LDR-7, TLDR, TR, DRL-1, DLR-2, LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW, THR-SW and LDR/GB districts unless such location is absolutely necessary to close a significant gap in coverage and there is no feasible alternative.
- C. For all wireless communication facility proposals that include a WCF tower subject to the Gresham Community Development Code, the WCF tower shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional antenna facilities.
- D. Wireless communications facilities are exempt from floor area ratio and maximum setback requirements.



- E.**
  1. All wireless communication facility proposals for personal wireless services shall be subject to the requirements and limitations of 47 U.S.C. 332(c)(7), Preservation of Local Zoning Authority, and the rules adopted by the Federal Communications Commission to implement said section.
  2. All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C. 1455(a), Facility Modifications, and the rules adopted by the Federal Communications Commission to implement said section.
  3. In the event of any apparent conflict or inconsistency between the applicable federal laws or rules and **Section 8.0103**, **Section 8.0122**, **Section 10.0601** or **Section 10.0602**, the applicability, and where required, the application of the provisions of federal laws and rules shall be determined as part of the Special Use Review process.
- F.** Wireless Communications Facilities in the GBSV District are governed by the standards in **Section 8.0151**.
- G.** Mini-Micro WCFs subject to the regulations of the Gresham Community Development Code are exempted from the Special Use Review process and are reviewed through the building permit process if they can meet the following standards:
  1. The Mini-Micro WCF shall be located on a rooftop, or if on the side of a building, at least 15 feet above the ground.
  2. The Mini-Micro WCF shall be no more than three cubic feet in size.
  3. The Mini-Micro WCF must be of a color that blends into the structure upon which it is attached.
  4. No signage is allowed, except for signs with standard public safety warnings, contact information or similar signage, or unless signage is required by the Federal Communications Commission (FCC) or other regulatory body with authority to regulate wireless communication facilities.

### **8.0123 Solar Energy Systems**

In addition to the standards in **Section 8.0103**, the following apply to solar energy systems where they are allowed through the Type II Special Use Review procedure:

- A.** Renewable energy systems shall not be located on prominent building façade sections or on any facades or roof visible from the street of any listed landmark in **Table 5.0330** Historic and Cultural Landmarks List, and shall comply with **Section 5.0321**.
- B.** Historic materials and architectural features shall not be removed or damaged with the installation of renewable energy systems per **Section 5.0321** and **Section 5.0323**.
- C.** Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
  1. The extent to which the system is visible from the impacted location;
  2. The type, number, height and proximity of existing structures;
  3. The amount of vegetated screening;
  4. The distance of the proposed system from the impacted location; and
  5. The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

## 8.0124 Wind Energy Systems

In addition to the standards in **Section 8.0103**, the following apply to wind energy systems where they are allowed through the Type II Special Use Review procedure:

- A.** Renewable energy systems shall not be located on prominent building façade sections or on any facades or roof visible from the street of any listed landmark in **Table 5.0330** Historic and Cultural Landmarks List, and shall comply with **Section 5.0321**.
- B.** Historic materials and architectural features shall not be removed or damaged with the installation of renewable energy systems per **Section 5.0321** and **Section 5.0323**.
- C.** Landscape screening shall be located outside of any fencing surrounding the renewable energy systems or equipment requiring the shrub materials of a Type B buffer per **Section 9.0111(A)**.
- D.** All wind energy system equipment shall be coated in a neutral color or muted tones to minimize the visual impact from the right-of-way, any public park or open space, or historic or cultural resource.
- E.** Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
  - 1.** The extent to which the system is visible from the impacted location;
  - 2.** The type, number, height and proximity of existing structures;
  - 3.** The amount of vegetated screening;
  - 4.** The distance of the proposed system from the impacted location; and
  - 5.** The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

## 8.0125 Biomass Energy Systems

In addition to the standards in **Section 8.0103**, the following apply to biomass energy systems where they are allowed through the Type II Special Use Review procedure:

- A.** In addition to the setback standards in **Article 4**, biomass energy systems shall be setback a minimum of 300 feet from any residential dwelling and 1,000 feet from a residentially designated district or hospital to minimize any potential negative impacts.
- B.** The Applicant shall identify the specific location, type and number of trips of all anticipated vehicular traffic including delivery of the fuel to the site and export of fuel from the site.
- C.** The biomass energy system shall be secured to prevent unauthorized access.
- D.** All outdoor storage of biomass materials shall be screened from adjacent properties by an eight (8) foot wall.
- E.** Biomass energy systems shall provide a Type E buffer per **Table 9.0111(A)** or an alternate plan per **Section 9.0100**.
- F.** Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
  - 1.** The extent to which the system is visible from the impacted location;
  - 2.** The type, number, height and proximity of existing structures;
  - 3.** The amount of vegetated screening;
  - 4.** The distance of the proposed system from the impacted location; and
  - 5.** The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

## 8.0126 Geothermal Energy Systems

In addition to the standards in **Section 8.0103**, the following apply to geothermal energy systems where they are allowed through the Type II Special Use Review procedure:

- A. Visual Impact: In order to determine a potential adverse visual impact, the following shall be considered:
  - 1. The extent to which the system is visible from the impacted location;
  - 2. The type, number, height and proximity of existing structures;
  - 3. The amount of vegetated screening;
  - 4. The distance of the proposed system from the impacted location; and
  - 5. The available reasonable alternatives that would allow the facility to function efficiently at an alternate location.

## 8.0140 Special Use Review, Type III Procedure

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### 8.0141 Purpose

A Type III procedure may be used to review certain uses subject to a Special Use Review. Uses subject to the Type III procedure require the exercise of discretion and judgment, and about which there may be broad public interest. The review provides an opportunity to allow a use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved. The review considers standards found in **Section 8.0103**, standards specific to the use found in **Sections 8.0144-8.0151**, and other Development Code standards which are applicable to the proposal. The criteria and standards set forth in this section apply only when the particular use is subject to a Special Use Review in the underlying land use district. The Hearings Officer is the decision authority for Type III Special Use Reviews unless otherwise noted, or if the proposed use is in a Design District, in which case the Design Commission is the decision authority.

For those Special Use Reviews where the Hearings Officer is the decision authority, appeals are heard by the Planning Commission. For those Special Use Reviews where the Planning Commission is the decision authority, appeals are heard by the City Council. For those Special Use Reviews where the Design Commission is the decision authority, appeals are heard by the City Council.

### 8.0142 Applicability of the Type III Procedure

The following uses are subject to the Type III Special Use Review procedure:

- A. Commercial Parking
- B. Major Event Entertainment (**Section 8.0144**)
- C. Waste Management (**Section 8.0145**)
- D. Civic Uses, excluding those subject to the Type II procedure
- E. Medical Uses (**Section 8.0146**)
- F. Parks, Open Spaces, and Trails, limited to golf courses, community parks, and regional parks (**Section 8.0147**)

- G. Religious Institutions, limited to those where the principal place of assembly may accommodate more than 300 individuals (**Section 8.0148**)
- H. Schools, limited to high schools, community colleges and universities (**Section 8.0149**)
- I. Major Basic Utilities, limited to electrical generating facilities (**Section 8.0150**)

### **8.0143 Criteria**

- A. Special Use Reviews through the Type III procedure shall address the standards in **Section 8.0103**, standards specific to the proposed use found in **Sections 8.0144 to 8.0151**, and development standards generally applicable to all uses and developments in the underlying land use district, unless specifically exempted by the provisions of this Section.
- B. The narrative for Special Use Reviews through the Type III procedures shall describe how the operating and physical characteristics of the proposal have been made reasonably compatible with and have a minimal impact on livability, appropriate use, and development of properties in the surrounding area of the subject site.

### **8.0144 Major Event Entertainment**

In addition to **Section 8.0143**, the following apply to Major Event Entertainment where it is subject to a Type III Special Use Review:

- A. Major event entertainment shall have direct access to a street with a functional classification of major or standard arterial or greater.
- B. Unless located in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority for review.

### **8.0145 Waste Management**

In addition to **Section 8.0143**, the following apply to Waste Management uses where they are subject to a Type III Special Use Review:

- A. Solid waste transfer stations, composting facilities, and solid waste landfills shall not be located adjacent to residentially designated land.
- B. Solid waste transfer stations, composting facilities, and solid waste landfills shall have direct access to a street with a functional classification of major or standard arterial or greater.

### **8.0146 Medical Uses**

In addition to **Section 8.0143**, the following apply to Medical Uses where they are subject to a Type III Special Use Review:

- A. Hospitals shall have direct access to a street with a functional classification of Arterial or greater.
- B. Unless in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority.

### **8.0147 Parks, Open Spaces, and Trails**

In addition to **Section 8.0143**, the following apply to Parks, Open Spaces, and Trails where they are subject to a Type III Special Use Review:

- A. All Parks, Open Spaces, and Trails uses are exempt from floor area ratio and maximum setback requirements.
- B. Golf courses shall have direct access to a street with a functional classification of minor arterial or greater.

### **8.0148 Religious Institutions**

In addition to **Section 8.0143**, the following apply to Religious Institutions where they are subject to a Type III Special Use Review:

- A. This section is applicable to those religious institutions where the principal place of assembly can accommodate more than 300 individuals.
- B. Religious institutions shall have direct access to a street with a functional classification of minor arterial or greater.

### **8.0149 Schools**

In addition to **Section 8.0143**, the following apply to Schools where they are subject to a Type III Special Use Review:

- A. For all school types, portable classrooms are exempt from floor area ratio, maximum building height, and maximum setback requirements.
- B. High schools shall have direct access to a street with a functional classification of minor arterial or greater.
- C. Unless in a Design District, the Planning Commission is the decision authority for review. If in a Design District, the Design Commission is the decision authority.

### **8.0150 Major Basic Utilities**

In addition to **Section 8.0143**, the following apply to Major Basic Utilities where they are subject to a Type III Special Use Review:

- A. Electrical generating facilities shall not be located in or adjacent to residentially designated land.

### **8.0151 Wireless Communication Facilities in the GBSV District**

In addition to **Section 8.0122**, the following apply to Wireless Communication Facilities in the GBSV District:

- A. The Planning Commission is the decision authority.
- B. The application must include a study developed by an engineering firm with documented expertise in wireless communications which addresses the following:
  - 1. Documentation that demonstrates that the facility is necessary to close a significant gap in service coverage.
  - 2. Documentation that demonstrates that there are no feasible alternatives, including other sites, multiple sites, other facility designs and other technologies that could fulfill the same function as the proposed Wireless Communication Facility.

**C.** The Wireless Communication Facility shall not be visible from any parcels located outside of the GBSV District. Demonstration of compliance with this standard must be provided as noted in **Section 8.0151.C.1** or **8.0151.C.2**:

- 1.** A site plan and elevations documenting that:
  - a.** The Wireless Communication Facility tower is no taller than the existing evergreen canopy as measured from the downslope side, or
  - b.** The Wireless Communication Facility tower is topographically screened by its placement behind a hill, is located in a ravine, or is screened by other natural features.
- 2.** Submittal of a photo simulation taken from parcels outside of the GBSV District using 3D Analyst or another program as approved by the Manager accompanied by an analysis of the contrast rating of the proposed Wireless Communication Facility using the Bureau of Land Management’s Manual 8431-Visual Resource Contrast Rating or other tool approved by the Manager.

Wireless Communication Facilities must meet the Class I or Class II Objectives found in Appendix 2 of the Bureau of Land Management’s Manual 8431-Visual Resource Contrast Rating when the Wireless Communication Facility is observed from viewpoints outside of the GBSV District.

If other tools are used, the analysis of the siting of the Wireless Communication Facility shall determine that, when the Wireless Communication Facility is observed from viewpoints outside the GBSV District:

- a.** The existing character of the landscape is preserved. The level of change to the character of Gresham Butte is very low and does not attract attention away from the forested landscape of Gresham Butte, or
  - b.** The existing character of the landscape is retained. The level of change is low and changes must blend into the predominant natural features of the landscape.
- 3.** If vegetation used for screening is removed through natural circumstances such as disease or fire, replacement vegetation must be planted within 6 months of the event and be of a species that will grow to an equal or greater size, height, and canopy spread as the vegetation that was removed. Replacement plantings must be a minimum of 2.5 caliper inches for deciduous trees and a minimum of 8 feet in height for evergreen trees.

- D.** All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C.332(c)(7), Preservation of Local Zoning Authority, and the rules adopted by the Federal Communications Commission to implement said section.
- E.** All wireless communication facility proposals shall be subject to the requirements and limitations of 47 U.S.C.1455(a), Facility Modifications, and the rules adopted by the Federal Communications Commission to implement said section.
- F.** In the event of any apparent conflict or inconsistency between the applicable federal laws or rules and **Section 8.0151**, the applicability, and where required, the application of the provisions of federal laws and rules shall be determined as part of the Special Use Review process.

## **8.0160 Modifications of a Special Use**

- A.** Modifications to a Special Use Review that meet the threshold for Design Review A shall be reviewed through the Design Review A. This includes interior tenant improvements and expansions less than 2,000 square feet.
- B.** All other applications to modify, enlarge or intensify a use approved through the Special Use Review are through a Type II procedure, unless the following statements are true, in which case the Type III procedure shall be used.
  - 1.** The use seeking modification, enlargement or intensification was originally subject to review through a Type III procedure; and
  - 2.** For non-industrial uses, new floor area additions exceeds twenty-five percent of the existing floor area of the entire site or exceeds 10,000 square feet; or
  - 3.** For non-industrial uses, outdoor area additions exceeds twenty-five percent of the existing outdoor area of the entire site or exceeds 10,000 square feet; or
  - 4.** For industrial uses, new floor area additions exceeds twenty-five percent of the existing floor area of the site or exceeds 25,000 square feet.

