



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/30/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 006-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 13, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Brian Martin, City of Gresham
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<pa> YA

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Gresham**

Local file number: **CPA 08-293**

Date of Adoption: **1/20/2009**

Date Mailed: **1/23/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/25/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The changes will direct more intense housing to the appropriate locations and promote compatibility between existing neighborhoods and new residential development by requiring similar lot sizes. The proposals create two new land use districts: LDR-7: Low-Density Residential-7 and TR: Transition Residential. LDR will be renamed Low-Density Residential-5 (LDR-5). The Perimeter Lot Size Compatibility Standards will be removed. Map changes will affect about 9,500 properties.

Does the Adoption differ from proposal? Yes, Please explain below:

Some Development Plan Map and Development Code changes were made, including:

1. Expansion of areas designated LDR-7.
2. Both expansion and reduction of areas designated TR.
3. Minor code changes.

The approved amendment is substantially similar to the proposal sent to DLCD on Sept. 25, 2008.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

DLCD # 006-08 (17150)

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: **Brian Martin, Comprehensive Plannin** Phone: (503) 618-2266 Extension:

Address: 1333 NW Eastman Parkway

Fax Number: - -

City: Gresham

Zip: 97030

E-mail Address:

brian.martin@ci.gresham.or.us

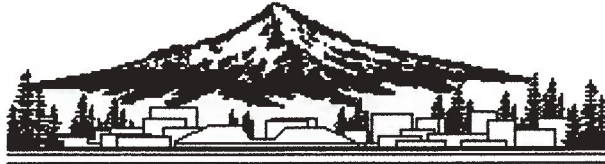
ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.



Urban Design & Planning Services
City of Gresham

CERTIFICATION OF MAILING

FILE NO.: CPA 08-293

PROJECT: City of Gresham-Residential
Districts Review Project

I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF ADOPTION TO THE FOLLOWING PARTIES:

DLCD
Plan Amendment Specialist
635 Capitol Street, NE #150
Salem, OR 97301-2540

Metro
Growth Management
600 NE Grand
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Drive
Gresham, OR 97080

Elizabeth McCallum
1634 NW Towle Terrace
Gresham, OR 97030

Marc Thornsbury
16213 NE San Rafael Dr.
Portland, OR 97230

John Rasmussen
5211 SE 22nd Street
Gresham, OR 97080

Jay Ellis
P.O. Box 913
Fairview, OR 97024

Mary Henderson
Northwest Pipeline
8907 NE 219th St.
Battle Ground, WA 98604

Kathy Todd
1620 NW 1st St.
Gresham, OR 97030

Mark Hryciw
Notice of Decision only via email

Kerry Johnson
4443 SW Equestrian Drive
Gresham, OR 97030

Steven Jones
Notice of Decision only via
email

Rita Van Hee
2440 NE 23rd St
Gresham, OR 97030

George Hale
G. Hale Development
9700 SW Capitol Hwy. #270
Portland, OR 97219

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: January 23, 2009

Proposed new language is double-underlined;
Proposed deleted language is ~~stricken~~.

CB 12-08

ORDINANCE NO. 1665

**AMENDMENT TO VOLUME 2, POLICIES, AND VOLUME 3, DEVELOPMENT CODE, OF
THE GRESHAM COMMUNITY DEVELOPMENT PLAN, RELATED TO THE RESIDENTIAL
DISTRICTS REVIEW PROJECT**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 3.0000 is amended as follows:

Section 3.0010 – Definitions

Table 3.0010 - DESIGN COMMISSION DESIGN REVIEWS (on following page.)

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Table 3.0010 - DESIGN COMMISSION DESIGN REVIEWS

AREAS	Review Type -- Clear and Objective Standards				Review Type -- Discretionary Guidelines
	1	2	3	4	
Rockwood Design District	X	X	X		X
Downtown Design District	X	X	X		X
Civic Neighborhood Design District	X	X	X		X
Colridor Design District		X	X	X	X
Pleasant Valley Design District	X	X	X		X
Springwater Design District	X	X	X		X
1	Commercial, Community Service or Mixed Use Developments with either 10,000 square feet of new floor area or 50 feet of building frontage on a street including new buildings or additions to existing buildings.				
2	Residential Only Developments with 10 units or greater unless adjacent to LDR (Low-Density Residential) LDR-5, LDR-7, or TLDR₂ or TR₂ (Transit-Low-Density Residential) in which case Residential Only Developments of 5 units or greater.				
3	Community Service- All Public Buildings				
4	Commercial, Community Service or Mixed Use Developments equal to or greater than 20,000 square feet or 50 feet of building frontage on a street including new buildings or additions to existing buildings.				
5	Any proposal where the applicant chooses to pursue a discretionary review.				

Density, Net. The number of dwelling units per unit of land is expressed as the number of square feet of land per dwelling unit. The net density for any lot is computed by dividing the net square footage of the parcel by the number of dwelling units. The net square footage is determined by subtracting from the total square footage of the parcel that area deemed necessary for street dedication and, for development in the LDR-LDR-5, LDR-7, and TLDR and TR districts Districts, that area used for private streets and common driveways. The land area dedicated without compensation for the widening or the extension of a public street may be included in calculating the number of attached dwelling units permitted on a lot in all other districts. Accessory and ancillary dwelling units do not count towards density requirements. For the purpose of calculating minimum net density, the Habitat Conservation Area (HCA) and areas with slopes of 25% and greater are also deducted from the total square footage of a parcel.

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 provide a statement of intent and are used to evaluate the acceptability of a project's design. Design guidelines provide the opportunity for creative design flexibility.

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.

Underdeveloped Property. A platted lot or parcel, or deeded area of land that is: vacant or undeveloped, is a lot of record in the LDR-LDR-5 or LDR-7 district District with more than twice the required minimum lot area, includes land in its natural state, or is only partially developed.

Section 2. Volume 3, Development Code, Section 4.0100 is amended as follows:

4.0101 Purpose

Development on lands designated Low Density Residential-5, Low Density Residential-7 Transit Low Density Residential, Transition Residential, Moderate Density Residential-12, Moderate Density Residential-24, and Office / Residential is permitted when consistent with the provisions of this section and all other applicable requirements of the Community Development Plan.

4.0110 Low Density Residential-5 (~~LDR~~LDR-5)

The Low Density Residential-5 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum density of 8.71 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum density of 6.22 units per net acre is required.

~~In addition to meeting applicable land division application requirements, a subdivision proposal within the LDR District that includes one or more lots of less than 6,000 square feet shall be applied for and processed as a Planned Development (PD), pursuant to Section 6.0300.~~

4.0111 Low Density Residential-7 (LDR-7)

The Low Density Residential-7 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum density of 6.22 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum density of 4.35 units per net acre is required.

4.01142 Transit Low-Density Residential (TLDR)

The Transit Low Density Residential District designation is applied primarily to existing low-density residential neighborhoods within close proximity of light rail and/or bus transit service and is intended for single family detached and attached dwellings, manufactured homes, and two-unit attached dwellings at a maximum density of 20 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 13,000 square feet, a minimum density of 10 units per net acre is required. This district is intended to continue as a lower-density neighborhood, with detached single-family housing on small lots. Manufactured dwelling parks are allowed at a maximum net density of 14 units per acre and a minimum net density of 7 units per acre.

4.0113 Transition Residential (TR)

The Transition Residential District designation is intended for a mix of single-family detached, single-family attached and duplex housing. It is applied primarily to locations between more intense land use districts (such as those that allow multi-family residential and commercial uses) and less intense land use districts such as LDR-5 and LDR-7. TR provides a transition between these intensities while providing for a variety of housing types. The residential density is 6.2 to 18.2 units per acre.

4.01124 Moderate Density Residential-12 (MDR-12)

The Moderate Density Residential District-12 is primarily intended for attached housing at a maximum net density of 12.1 units per acre and manufactured dwelling parks at a maximum net density of 8.71 units per acre. Manufactured dwelling parks shall be designed in conformance with standards and procedures of the Oregon Department of Consumer and Business Services, Building Codes Division as contained in Oregon Administrative Rules Chapter 918 Div. 600. Where standards of OAR 918-600 conflict with the following standards, the more restrictive standard shall apply.

4.01135 Moderate Density Residential-24 (MDR-24)

The Moderate Density Residential District-24 is primarily intended for attached housing at a maximum net density of 24.2 units per acre and a minimum net density of 12.1 units per acre. Some non-residential uses may also be permitted within this district.

4.01146 Office/Residential District (OFR)

The Office/Residential District is primarily intended for business offices, professional clinics and attached housing at a minimum net density of 8.71 units per acre and a maximum net density of 12.1 units per acre.

Section 3. Volume 3, Development Code, Table 4.0120 is amended as follows:

Table 4.0120 is modified to change LDR to LDR-5 and to provide standards for two new districts, LDR-7 and TR. Footnotes also were altered to require that duplexes on corner lots provide an address and main entrance on each street to encourage compatibility with adjacent homes.

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Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	<u>LDR-5</u>	<u>LDR-7</u>	<u>TLDR</u>	<u>TR</u>	<u>MDR-12</u>	<u>MDR-24</u>	<u>OFR</u>
(A) Detached dwellings	P	P	P	P	P (on a lot of record)	NP	P (on a lot of record)
(B) Manufactured homes	P	P	P	P	P (on a lot of record)	NP	P (on a lot of record)
(C) Manufactured dwelling parks	NP	NP	P	NP	P	NP	NP
(D) Attached dwellings on a single lot	NP	NP	NP	NP	P	P	P
(E) Single family attached dwellings	NP	NP	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
(F) Two-unit attached dwellings	L ⁶	L ⁶	P	L ⁷	P	P	P
(G) Accessory dwellings	P ¹	P ¹	P ¹	P ¹	NP	NP	NP
(H) Community services	P	P	P	P	P	P	P
(I) Accessory structures	P	P	P	P	P	P	P
(J) Home occupations	P	P	P	P	P	P	P
(K) Existing grazing, agriculture or horticulture uses	P	P	P	P	P	P	P
(L) Poultry and livestock	P ²	P ²	P ²	P ²	P ²	P ²	NP
(M) Temporary uses	P	P	P	P	P	P	P
(N) Parking or storage of not more than five motor vehicles per dwelling unit	P	P	P	P	P	NP	NP
(O) Residential Facility	NP	NP	NP	NP	P	P	P
(P) Residential Home	P	P	P	P	P (On a lot of record)	NP	P (On a lot of record)
(Q) Temporary Health and Hardship Dwellings	NP	NP	NP	NP	P ³	L ³	P ³
(R) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as clothing, computer, and telephone stores	NP	NP	NP	NP	NP	NP	L ⁴
(S) Retail service establishments providing services or entertainment to the general public such as eating and drinking places and banks	NP	NP	NP	NP	NP	NP	L ⁴
(T) Offices & Clinics	NP	NP	NP	NP	NP	NP	P

(U) Other retail trade and retail service uses which, in the determination of the Manager are pedestrian-oriented	NP	NP	NP	NP	NP	NP	NP	L ⁴
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(See page 4.011-4 for Table notes)

Table 4.0120 Notes

- 1 See Section 4.0137
- 2 If kept over 100 feet from any residence other than the dwelling on the same lot except as provided by Section 10.0900.
- 3 See Section 10.1300.
- 4 Limited retail trade, retail services or business services when found to be consistent with the requirements of Section 4.0134.
- 5 Single-family attached dwellings are required to meet density standards of the underlying land use district and applicable site design review criteria of Section 7.0200.
- 6 See Section 4.0131(DE).
- 7 Two-unit attached dwellings are allowed only on corner lots. Each unit of the two-unit attached dwelling must have its address and main entry door oriented toward a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

Section 4. Volume 3, Development Code, Table 4.0130 is amended as follows:

Table 4.0130: Development Requirements For Residential Land Use Districts

	LDR-5 ^{1,2}	LDR-7 ^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR
(A) Minimum Site Size	None	None	None, except 20,000 square feet for manufactured dwelling park ¹³	None	Attached dwellings: 7,200 square feet Manufactured dwelling parks: 20,000 square ft.	11,000 square feet	7,200 square feet
(B) Minimum Lot Size:							
Detached dwelling unit / manufactured home:	5,000 square feet ¹⁵	7,000 square feet	None	4,000 square feet	Not Applicable	Not Applicable	Not Applicable
Single family attached dwellings:	Not Applicable	Not Applicable	None	2,400 square feet	3,600 square feet	No minimum lot size	3,600 square feet

Two-unit attached dwelling (duplex):	Not Applicable	Not Applicable	Not Applicable	None	<u>7,000</u> square feet	7,200 square feet	3,600 square feet	7,200 square feet
(C) Density: (1) Minimum Density	1 unit per 7,000 square feet ¹⁴	1 unit per 10,000 square feet ¹⁴	1 unit per 4,356 square feet of land area. ¹⁴ Manufactured dwelling park: 1 unit per 6,223 square feet	1 unit per <u>7,000</u> square feet ¹⁴	<u>1 unit per 7,000 square feet</u> ¹⁴	Attached dwellings: 1 unit per 5,000 square feet of land area ⁴ Manufactured dwelling park: 1 unit per 11,500 sq. ft.	1 unit per 3,600 square feet of land area ⁵	1 unit per 5,000 square feet of land area
(2) Maximum Density	1 unit per 5,000 square feet. Also See Section 4.0131(A).	1 unit per 7,000 square feet. Also See Section 4.0131(A).	1 unit per 2,178 square feet of land area Manufactured dwelling park: 1 unit per 3,111 square feet	Sites less than 1.5 acres: 1 unit per 2,400 square feet Sites greater than 1.5 acres: 1 unit per 3,000 square feet	<u>Sites less than 1.5 acres: 1 unit per 2,400 square feet</u> <u>Sites greater than 1.5 acres: 1 unit per 3,000 square feet</u>	Attached dwellings: 1 unit per 3,600 square feet of land area Manufactured dwelling park: 1 unit per 5,000 square feet	1 unit per 1,800 square feet of land area Also See Section 4.0134(E)	1 unit per 3,600 square feet of land area

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Table 4.0130: Development Requirements For Residential Land Use Districts, continued

	LDR-5^{1,2}	LDR-7^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR
(D) Minimum Lot Dimensions (1) Width at building line (a) Interior lot (b) Corner lot (2) Depth (a) Interior lot (b) Corner lot	Single Family detached: (1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet; feet; For others; see Section 4-0131(C)	Single Family detached: (1a) 40 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet;	None, except single-family attached shall be as per MDR-24 single-family attached	Single Family detached and Two-unit Attached: (1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet; Single Family Attached: (1)(a)(16) feet ⁷ (b) Corner lot ⁸ (2) 0 feet	All uses except Single-family and Two-unit detached Attached: (1a) 65 feet (1b) 70 feet (2a) 90 feet (2b) 100 feet. Single Family Attached Dwellings and Two-unit Attached: (1)(a) 16 feet ⁷ (b) Corner lot ⁸ (2) 0 feet	All uses except single-Single-family and Two-unit detached Attached: (1)(a) 60 feet (b) 70 feet (2) 100 feet Single Family Attached Dwellings and Two-unit Attached: (1)(a) 16 feet ⁷ (b) Corner lot ⁸ (2) 0 feet	(1a) 60 feet (1b) 70 feet (2) 100 feet
(E) Minimum Yard Setback	See Table 4.0130(E). See Section 4.0139 for infill setback standards.	See Table 4.0130(E). See Section 4.0138 for infill setback standards	See Table 4.0130(E) -page [4.01]-8 ¹² See Section 4.0139 for infill setback standards.	See Table 4.0130(E). See Section 4.0138 for infill setback standards	See Table 4.0130(E) -page [4.01]-8	See Table 4.0130(E) -page [4.01]-8	See Table 4.0130(E) -page [4.01]-8

(F) Maximum Building Height	35 feet. See Section 10.1100 for shoreline height standards. See Section 4.0139 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0139 for infill height standards.	35 feet. See Section 4.0138 for infill height standards.	35 feet. See Section 4.0134(C).
(G) Height Transition	See Section 9.0600 for applicability. Not Applicable	See Section 9.0600 for applicability.	See Section 9.0600 for applicability. Not Applicable	See Section 9.0600 for applicability. Not Applicable	See Section 9.0600 for applicability. Not Applicable	See Section 9.0600 for applicability.
(H) Minimum Street Frontage⁹	35 feet. Corner lots: 40 feet except attached single-family dwellings: 16 feet; for corner-lots ³	40 feet.	See Table Note 11.	See Table Note 11.	See Table Note 11.	Not Applicable, except: <u>Single family attached dwellings:</u> attached single-family dwellings: 16 feet; <u>Single family attached on a corner lot:</u> varies depending on access ³ for corner-lots ³

								except attached single-family dwellings: 16 feet; corner lots ³		
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Table 4.0130: Development Standards For Residential Land Use Districts, continued

	LDR-5^{1,2}	LDR-7^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR
(I) Public Facilities, Site and Supplementary Requirements	See Section <u>4.0132(F)</u>	See Section <u>4.0132(F)</u>	See Section <u>4.0132(F)</u>	See Section <u>4.0132(F)</u>	See Section <u>4.0134(F)</u>	See Section <u>4.0134(F)</u>	See Section <u>4.0134(F)</u>
(J) Commercial Development	Not Applicable	<u>Not Applicable</u>	Not Applicable	<u>Not Applicable</u>	Not Applicable	Not Applicable	See Section <u>4.0134(B)</u>
(K) Limited retail trade, retail	Not Applicable	<u>Not Applicable</u>	Not Applicable	<u>Not Applicable</u>	Not Applicable	Not Applicable	See Section <u>4.0134(B)</u>
(M) Off Street Parking	See Section <u>9.0800</u>	See Section <u>9.0800</u>	See Section <u>9.0800¹²</u>	See Section <u>9.0800</u>	See Section <u>9.0800</u>	See Section <u>9.0800</u>	See Section <u>9.0800</u>
(N) Safe Neighborhood Design Performance Standards	See Section <u>4.0132(D)</u>	See Section <u>4.0132(D)</u>	See Section <u>4.0132(D)¹²</u>	See Section <u>4.0132(D)</u>	Applicable for single family attached units	Applicable for single family attached units	Applicable for single family attached units
(O) Buffers	See Buffer Matrix, Section <u>9.0100</u>	See Buffer Matrix, Section <u>9.0100</u>	See Buffer Matrix, Sec. <u>9.0100¹²</u>	See Buffer Matrix, Section <u>9.0100</u>	See Buffer Matrix, Section <u>9.0100</u>	See Buffer Matrix, Section <u>9.0100</u>	See Buffer Matrix, Section <u>9.0100</u>
(P) Infill Development Standards	See Section <u>4.0139</u>	See Section <u>4.0138</u>	See Section <u>4.0139</u>	See Section <u>4.0138</u>	Not Applicable	Not Applicable	Not Applicable

Table 4.0130 Notes:

- ¹ Refer to Section 4.0131(DE).
- ² Refer to Section 4.0132(C).
- ³ As measured from the corner radius end point to the property corner 25 feet if there is an alley or shared access and 32 feet if there is no alley or shared access.
- ⁴ This does not apply to lots of record less than 7,200 square feet.

- 5 This does not apply to lots of record less than 11,000 square feet in size.
- 6 This does not apply to lots of record less than 20,000 square feet in size.
- 7 Single family attached dwelling lots of less than 22 feet width shall take access from an alley or from a shared access.
- 8 Abuts an alley = 16 feet; shared access = 25 feet; no alley or shared access = 42 feet
- 9 A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- 10 Parking stalls, aisles and maneuvering areas not allowed in setbacks.
- 11 All permitted uses except single family attached dwellings: 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner. Single family attached dwellings: 16 feet, except corner lots shall be 25 feet as measured from the corner radius end point to the property corner if there is an alley or shared access, and 32 feet from the corner radius end point to the property corner if there is no alley or shared access. A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- 12 For manufactured dwelling parks this provision is replaced by the requirements of Section 7.0211.
- 13 The minimum site size standard of Table 4.0130 shall be satisfied prior to issuance of a development permit for manufactured dwelling parks.
- 14 The minimum density standards do not apply to the partition of parent parcels of 20,000 net square feet or less in the ~~LDR~~LDR-5, LDR-7 and TR Districts District and the partition of parent parcels of 13,000 net square feet or less in the TLDLDR District
- 15 In addition to meeting applicable land division application requirements, a subdivision proposal within the LDR-5 District that includes one or more lots of less than 6,000 square feet shall be applied for and processed as a Planned Development (PD), pursuant to Section 6.0300.

Table 4.0130(E) - Minimum Setbacks in Residential Districts [7]

Single Family Detached: [6]	FRONT				SIDE				REAR	
	Front Facade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley
<u>LDR-5</u> [11]	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	20 feet	15 feet	6 feet
<u>LDR-7</u> [11]	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	20 feet	15 feet	6 feet

<u>TLDR</u> <u>[1]</u>	10 feet	6 feet	20 feet	5 feet	6 inches on zero/ 6 feet on other side <u>[8]</u>	10 feet	6 feet	20 feet	20 feet	15 feet	6 feet
<u>TR</u> <u>[1]</u>	<u>10 feet</u>	<u>6 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>6 inches on zero/ 6 feet on other side [8]</u>	<u>10 feet</u>	<u>6 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>15 feet</u>	<u>6 feet</u>
<u>MDR-12</u>	10 feet	10 feet	20 feet	10 feet	NA	20 feet	20 feet	20 feet	20 feet	15 feet	NA
<u>OFR</u>	10 feet	10 feet	20 feet	10 feet	NA	20 feet	20 feet	20 feet	20 feet	15 feet	NA
<u>Single Family Attached:</u> <u>[2][3][6]</u>											
<u>TLDR</u>	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	20 feet	10 feet	6 feet
<u>TR</u>	<u>10 feet</u>	<u>6 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>NA</u>	<u>6 feet</u>	<u>6 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>10 feet</u>	<u>6 feet</u>
<u>MDR-24,</u> <u>MDR-12,</u> <u>OFR</u> <u>[2][3]</u>	10 feet	6 feet	20 feet	5 feet	NA	6 feet	6 feet	20 feet	20 feet	10 feet	6 feet
<u>Attached Dwellings:</u> <u>[2][3][4][6]</u>											
<u>MDR-12</u> <u>[2][3][4]</u>	10 feet <u>[5]</u>	NA <u>[5]</u>	NA [2] <u>[5]</u>	10 feet	NA	5 feet <u>[5]</u>	5 feet <u>[5]</u>	20 feet [5] <u>[5]</u>	20 feet [5] <u>[5]</u>	15 feet	15 feet
<u>MDR-24</u> <u>[2][3][4]</u>	10 feet <u>[5]</u>	6 feet <u>[5]</u>	NA [2] <u>[5]</u>	10 feet	NA	5 feet <u>[5]</u>	5 feet <u>[5]</u>	20 feet [5] <u>[5]</u>	20 feet [5] <u>[5]</u>	15 feet	15 feet
<u>OFR</u> <u>[2][3][4]</u>	10 feet <u>[5]</u>	NA <u>[5]</u>	NA [2] <u>[5]</u>	10 feet	NA	5 feet <u>[5]</u>	5 feet <u>[5]</u>	NA <u>[5]</u>	NA <u>[5]</u>	15 feet	15 feet

Table 4.0130(E) Notes:

- [1] See Section 10.0200 for setbacks of detached accessory structures and for setbacks of attached and detached patio covers in LDR-LDR-5, LDR-7, and TLDLDR and TR.
- [2] Buffering and Screening Standards of Section 9.0100 may apply.
- [3] Height Transition Standards of Section 9.0600 may apply.
- [4] 20 foot minimum distance between major structures on same lot, except for non-single family attached rowhouse style dwellings on the same lot where a minimum of 10 feet in between major structures (side to side) will be required. Detached carports and detached garages are not major structures. See Section 10.0200 for accessory structure setback standards.
- [5] Maximum front and street-side setbacks apply as provided for the Corridor Multi-Family District in Table 4.0430 and Section 4.0433(B).
- [6] For double-fronted lots, each street frontage shall be considered a front yard in terms of setback requirements (except when one of the frontages is an alley or private accessway, in which case that yard will be the rear).
- [7] In cases where sidewalk access is provided by easement, the setback shall be measured from the easement line closest to the house or garage per Table 4.0130(E).
- [8] The Zero Lot Line option may only be employed on a lot designated as a zero lot line lot through a land division approval. See Section 4.0132(A)(3).
- [9] Setbacks for single family attached units are identified in Table 7.0201(M)(3)(a).

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Section 5. Volume 3, Development Code, Section 4.0131 is amended as follows:

4.0131 Additional Low Density Residential-5 (~~LDR~~LDR-5) and Low Density Residential-7 (LDR-7) District Standards

(C) Lot Dimensions

- (1) ~~For interior lots the minimum width at building line shall be 35 feet for detached dwelling and manufactured home lots.~~
- (2) ~~For corner lots that abut an alley the minimum width for interior lots applies. If there is shared access the minimum width at building line shall be 40 feet for detached dwelling and manufactured home lots. If there is no alley or shared access the minimum width at building line shall be 42 feet.~~
- (3) ~~For interior and corner lots the minimum lot depth is 70 feet.~~

(D)~~C~~ Development of a Lot of Record in LDR-5: A lot of record which is less than 5,000 square feet may be developed for all uses permitted in the ~~LDR~~LDR-5 district when in compliance with the other requirements of the LDR-5 District.

(D)~~E~~ Development of Two-Unit Attached Dwellings on a Lot Created under standards in effect Prior to December 19, 1996:

A lot that was created under standards in effect prior to December 19, 1996, may be developed with a two-unit attached dwelling, only if:

- (1) It is 8,000 square feet or more in size and any portion is located within 275 feet of an arterial street; or
- (2) It is designated on a recorded plat as a two-unit attached dwelling lot.

(E) Development of a Lot of Record in LDR-7: A lot of record which is less than 7,000 square feet may be developed for all uses permitted in the LDR-7 District when in compliance with the other requirements of the LDR-7 District.

Section 6. Volume 3, Development Code, Section 4.0132 is amended as follows:

4.0132 Additional Standards for the Low Density Residential-5 (~~LDR~~LDR-5), Low Density Residential-7 (LDR-7), ~~and~~ Transit Low Density Residential (TLDR) and Transition Residential (TR) Districts

(D) Safe Neighborhood Design Performance Standards

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions are encouraged for all new ~~LDR~~LDR-5, LDR-7, and TLDR, and TR District dwelling construction but shall only be required for a lot in ~~LDR~~LDR-5, LDR-7, and TLDR, and TR or lots proposed for single-family attached dwellings in other districts ~~created that had an application submitted for a preliminary plan~~ created that had an application submitted for a preliminary plan under the standards in effect on or after December 19, 1996.

(E) Land Divisions with Left-Over Parcels

An application for a land division may have a “left-over” parcel or portion of the property which is capable of further development and which is not included as part of a phased subdivision. The area of up to two such parcels may be excluded from the average lot size calculation provided that a future development plan is submitted which demonstrates that the parcel(s) can be developed consistent with applicable standards. ~~Unless otherwise exempted by Section 6.0212, if a left-over parcel on properties of 20,000 sq. ft. or greater in LDR is later divided into lots or parcels, then such a later division must conform to the Perimeter Lot Size Compatibility Standard whether the later division is a subdivision or as a partition.~~ The submitted future development plan shall be consistent with the tentative plan requirements of Section 6.0202 of the Community Development Code.

Parcels created under this provision may not be developed until:

- (a) Lots are created pursuant to Article VI - Land Divisions, which are consistent with the standards of the ~~LDR~~LDR-5, LDR-7 and ~~TLDR and TR~~ Districts (as appropriate) and other applicable provisions of the Community Development Code; or
- (b) Approved for a Community Service Use pursuant to Section 8.0100 - Community Services.

The applicant shall file a note of the plat or other documents in the office of the County Recorder that such left-over parcel(s) shall not be developed until lots are created pursuant to Article VI - Land Divisions, which are consistent with the standards of the ~~LDR~~LDR-5, LDR-7 and ~~TLDR, and TR~~ Districts (as appropriate) and other applicable provisions of the Community Development Plan; or approved for a Community Service Use pursuant to Section 8.0100 - Community Services.

- (F) All developments shall also be subject to the applicable requirements of Section 4.0130; Article IX - Common Requirements; and Section A5.000 - Public Facilities.

Section 7. Volume 3, Development Code, Section 4.0135 is amended as follows:

4.0135 Single Family and Two-Unit Attached Dwellings Construction on a Lot

- (A) The construction of a detached dwelling or manufactured home, two-unit attached dwelling in an ~~LDR~~LDR-5, LDR-7 or TLDR District, or single family attached dwelling in the TLDR District on a lot within an approved land division where sewer lines, water lines, storm drainage facilities, and streets are constructed to the city standards that were in effect when the land division was approved, and (in the case of single family attached dwellings in TLDR) an active site design approval is in effect or the land division predated said requirement, shall be reviewed under the Type I procedure to determine if the proposal meets the site development requirements in Standards Section 4.0130 or in the Variation to Development Standards of Section 6.0321 (Planned Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.

Section 8. Volume 3, Development Code, Section 4.0139 is amended as follows:

4.0138 Residential Infill Standards for ~~LDR~~LDR-5, LDR-7, and TLDR and TR

(C) Infill Lots and Parcels.

- (1) Definition. Infill Lots and Parcels are those existing or proposed lots or parcels in ~~LDR~~LDR-5, LDR-7, or TLDR or TR that are non-standard. A non-standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.

Section 9. Volume 3, Development Code, Section 4.0140 is amended as follows:

4.0139 Large Lot Subdivision Option for ~~Low Density Residential~~LDR-5 (LDR) and LDR-7

(A) This subsection is intended to provide for a greater range of housing choices in the city by making available as an option to property owners/applicants the opportunity to create a subdivision that has an average lot size within the 8,000 sq. ft. to 14,000 sq. ft. range in LDR-5 or LDR-7. Large lot subdivisions are not required to comply with the minimum density standard of the underlying LDR-5-d or LDR-7 District ~~nor the Perimeter Lot Size Compatibility Standard of Section 6.0212~~. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the development code. Lots created using the Large Lot Subdivision Option are not eligible for further land division.

(B) Standards for large lot subdivisions. The following standards apply to large lot subdivisions:

- (1) A large lot subdivision must have an average lot size of at least 8,000 square feet and less than 14,000 square feet.
- (2) The minimum lot size in a large lot subdivision shall be 8,000 square feet.
- (3) Large lot subdivisions are restricted to detached single-family dwellings.
- (4) Minimum lot dimensions/yard setbacks:

Minimum lot dimensions:

Lot width at building line
(interior and corner lots): 50 feet

Lot depth (interior and corner lots): 100 feet

Minimum front yard setback:

All structures: 20 feet

Minimum side yard setbacks:

Interior side: 7.5 feet

Street side wall: 15 feet

Street side porch: 9 feet

Street side garage access: 20 feet

Minimum rear yard setbacks:

Rear (no alley): 25 feet

Rear (with alley): 9 feet

- (5) Unless otherwise noted above, all other ~~LDR~~LDR-5 or LDR-7 standards and requirements apply to large lot subdivisions.

Section 10. Volume 3, Development Code, Table 4.0430 is amended as follows:

Table 4.0430 Notes:

⁹ The maximum building height shall be reduced to 35 feet for any building containing dwelling units when located adjacent to an LDR-5, LDR-7, or TLDR, or TR District, as provided in Section 7.0201(K).

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¹³ Screening and buffering are not required for attached single-family dwellings abutting the LDR-5, LDR-7, or TLDR or TR district District.

Section 11. Volume 3, Development Code, Section 4.0434 is amended as follows:

4.0434 Building Height

Minimum and maximum building heights are specified in Table 4.0430. Any required building story must contain a habitable floor.

- (A) The minimum building height standard applies, with the following exceptions, to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.
- (B) In addition to conforming with the Ground Floor Windows requirements of Section 7.0210, for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street.
- (C) The maximum building height for any building containing dwelling units shall be reduced when located adjacent to an LDR-5, LDR-7, or TLDR or TR district District, as provided in Section 7.0201(K).
- (D) Heights of single family attached dwelling buildings are identified in Table 7.0201(M)(3)(f).

Section 12. Volume 3, Development Code, Sections 4.1404 through 4.1406 are amended as follows:

4.1404 Low-Density Residential – Pleasant Valley (LDR-PV)

This designation affects land primarily intended for single-family detached dwellings, manufactured homes, and two-unit attached dwellings 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.

A mix of lot sizes and housing variety within the LDR-PV LDR 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.

4.1405 Medium-Density Residential – Pleasant Valley (MDR-PV)

The Medium-Density Residential (MDR-PV) Sub-district provides a range of detached and attached dwelling units. Development in this sub-district shall be arranged to form part of an individual neighborhood, as well as serve as a transition between low density residential and employment and high-density housing types and Sub-districts. The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan. A mix of housing types in the MDR-PV Sub-district in the entire Plan District and generally in individual neighborhoods is intended.

The approved master plan shall provide for an average density of 12-20 dwelling units per net residential acre in this Sub-district consistent with the purposes in Section 4.1476. Elderly housing at 20-62 dwelling units per net residential acre is allowed pursuant to Section 8.0100, Community Services.

4.1406 High-Density Residential - Pleasant Valley (HDR-PV)

The High Density Residential (HDR) Sub-district is intended to accommodate the highest density housing in Pleasant Valley. As with the LDR-PV and MDR-PV Sub-districts, HDR-PV contributes to completing a variety of housing within, and as part of, individual neighborhoods. Two types of HDR-PV areas, “attached housing” and “town center housing,” are provided to create a complete community with housing choices that reflect differing needs and opportunities within Pleasant Valley. Elderly housing is recognized as a special housing need within Pleasant Valley that helps create a complete community. The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan consistent with the following:

(A) Attached Housing Areas in HDR-PV

The HDR-PV attached housing areas allow attached housing, including for rent and owner occupied housing, at an average density of 20-30 dwelling units per net acre. Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to Section 8.0100, Community Services.

(B) Town Center Housing Areas in HDR-PV

The HDR-PV area located generally south of the town center (west of the BPA power line and north of Kelley Creek) allows attached housing at an average density of 30-40 dwelling units per net acre. The higher minimum and maximum densities are intended to support the town center area as the lively, pedestrian-oriented, transit-supportive center within Pleasant Valley. Elderly housing at 20-62 dwelling units per net acres is also allowed pursuant to Section 8.0100, Community Services.

A mix of housing types in the HDR-PV Sub-district across the entire Plan District and generally in individual neighborhoods is intended.

Section 13. Volume 3, Development Code, Table 4.1408 A is amended as follows:

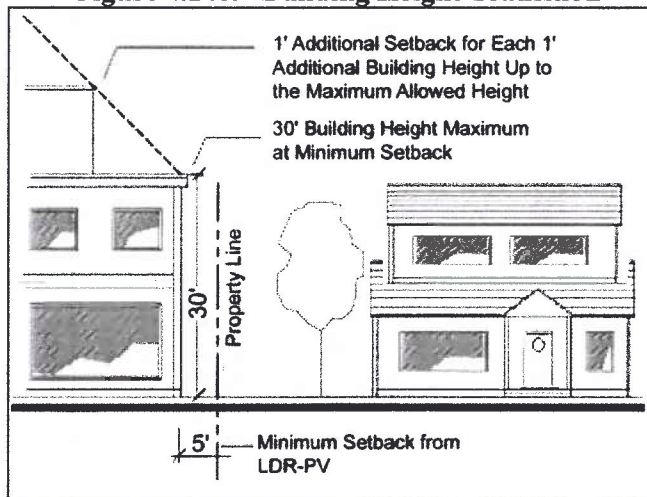
Building Height	Building Height Maximum	35 ft	35 ft	45 ft, except for elderly housing and transition required adjacent to LDR-PV
	Building Height transition required adjacent to LDR-PV (Section 4.1409)	No	No	Yes

Section 14. Volume 3, Development Code, Section 4.1409

Building Height and Height Transition Standard

Where buildings are required to step-down in elevation adjacent to ~~single-family residential districts~~ LDR-PV, the building wall shall be setback as illustrated in Figure 4.1409 below:

Figure 4.1409 Building Height Transition



Section 15. Volume 3, Development Code, Section 4.1476 is amended as follows:

4.1476 Housing Variety

(C) Where the Master Plan is proposed that includes LDR-PV and MDR-PV residential sub-districts in the same project, the Plan may combine the densities of the two sub-districts when the following criteria are met:

- The LDR-PV Housing Variety per Section 4.1476 is met; and
- The MDR-PV Housing Variety per Section 4.1476 is met; or
- Other techniques found to be consistent with the purpose of this standard; and
- The density does not exceed the maximum density allowed by the underlying residential sub-districts.

(D) Except as provided in subsection (C), each sub-district within a Master Plan shall meet the average minimum and maximum density standards required for the sub-district. However, within any particular area of a Master Plan the actual density may be less than the minimum or more than the maximum sub-district requirements.

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Section 16. Volume 3, Development Code, Table 4.1508 is amended as follows:

Table 4.1508(continued) - Minimum Setbacks

<u>Single Family Detached</u> (6)	FRONT				SIDE				REAR	
	Front Facade/Wall	Front Porch	Garage	Interior Side (Not/Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley
<u>VLDR-SW</u>	20 feet	6 feet	25 feet	5 feet	NA	20 feet	6 feet	25 feet	20 feet	6 feet
<u>LDR-SW</u>	10 feet	6 feet	18 feet	5 feet	6 inches on zero/ 6 feet on other side	10 feet	6 feet	18 feet ¹	15 feet	6 feet
<u>THR-SW</u>	6 feet	1 foot	NA	5 feet	6 inches on zero/ 6 feet on other side	6 feet	6 feet	10 feet, permitted only on side frontage greater than 70 feet	NA	1 foot
<u>Single Family Attached:</u>										
<u>LDR-SW</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	NA	6 feet
<u>THR-SW</u>	6 feet	1 foot	NA	5 feet	6 inches on zero/ 6 feet on other side	6 feet	6 feet	18 feet	NA	6 inches

Section 17. Volume 3, Development Code, Section 5.0202 is amended as follows:

Section 5.0200
Hillside Physical Constraint Overlay District

5.0202 Definition and Applicability

(B) Applicability

- (1) The Soils and Geology Report (Section 5.0210(C)) is required for any development in the HPCD as defined in subsection (A) above.
- (2) The provisions of the HPCD (Sections 5.0201 – 5.0227) apply to all development permit applications, with the following exceptions:
 - (a) A ~~LDR-5, LDR-7, or TLDR or TR~~ dwelling lot. Only Section 5.0227 applies to an ~~LDR-5, LDR-7, or TLDR or TR~~ dwelling building permit when it is on a lot located within a “Further Review Area”.
 - (b) Only Section 5.0221(A) applies where development, including future development such as a “left-over” parcel, does not include any area of the parcel with slopes of 15% or greater, or the Transition Area (as defined in Subsection (C) below).

Section 18. Volume 3, Development Code, Section 5.0221 is amended as follows:

5.0221 Lot Development Standards

- (D) Lots in the ~~LDR-5, LDR-7, TR and TLDR~~ Districts ~~that, which~~ are entirely within the HPCD, are exempt from the ~~LDR District~~ Safe Neighborhood Design Performance Standards of Section 4.0132(D).
- (E) A Geotechnical Report and structural engineering design is required for any building permit submittal on individual lots in the ~~LDR-5, LDR-7, TLDR and TR~~ Districts, which had native slopes (prior to development) of 35% of greater.

Section 19. Volume 3, Development Code, Section 6.0011 is amended as follows:

Lot Design Standards

6.0010 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of the Gresham Development Code.

6.0011 Lot and Parcel Configuration

(A) Lots and parcels created through the subdivision and partition process shall be rectilinear. Irregular shaped lots and parcels are not allowed, except at the discretion of the Manager when based upon existing parent lot or parcel shape. Exceptions shall not be granted to comply with minimum lot size requirements or minimum setback requirements for existing structures.

(B) Split-zoned lots

- (1) When a single development site is split by two or more residential land use districts (as described in Article IV, Section 4.0100), the creation of lots or parcels through the subdivision and partition process or the adjustment of lots through the lot line adjustment process that have more than one land use district is not allowed unless the applicant demonstrates to the satisfaction of the Manager that a logical lotting pattern is not feasible without creating split-zoned lots or parcels.
- (2) If the Manager determines a logical lotting pattern is not feasible, the applicant may create lots or parcels split by two or more land use districts as long as all split lots or parcels comply with the standards of the least intensive land-use district applied to the split lots. For the purposes of this section, least intense to most intense is: LDR-7, LDR-5, TR, TLDR, MDR-12, MDR-24.

Section 20. Volume 3, Development Code, Sections 6.0201 through 6.0203 are amended as follows:

Submittal Requirements for Partitions and Subdivisions

6.0201 Tentative Partition or Subdivision Plan

(A) An application for a tentative partition or subdivision plan shall be processed under the Type II procedure except a plan submitted as a Planned Development, which, pursuant to Section 6.0300 of the Community Development Code, shall be processed under the Type III procedures.

6.0202 Partitions and Subdivisions -Tentative Plan Submittal

The applicant shall submit 10 copies of the Tentative Plan together with 10 copies of any supplementary materials. The City may require additional copies if deemed necessary. An 8 1/2-inch by 11-inch or an 11-inch by 17-inch reduced copy of the Tentative Plan shall also be submitted. Standard engineering scales of one inch = 10, 20, 30, 40, 50, 60, 100, or 200 feet shall be used. The Tentative Plan must characterize all graphic data to scale and shall include the following:

~~(W) For a proposed subdivision in the LDR District, provide a graphic depiction of all lots and lot sizes bordering the proposed land division.~~

~~(XW) ESRA-PV and ESRA-SW: The location and dimensions of all ESRA-PV or ESRA-SW located on the site.~~

6.0203 Additional Materials

Along with the Tentative Plan, the following shall be submitted:

(A) A vicinity map.

- (B) Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- (C) Special purpose district reports as required in Article V of the Community Development Code.
- (D) A traffic analysis as required Section A5.411 of the Community Development Code.
- (E) Planned Development: the reports and maps required as part of a PD application in Section 6.0300.
- (F) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code. The Neighborhood Circulation Plan may be combined with a future street plan.
- (G) ~~In the LDR District, a~~verage lot size calculations.
- (H) ~~In the LDR District, a~~ Street Tree Plan.

Section 21. Volume 3, Development Code, Section 6.0212 is amended as follows:

~~6.0212 Perimeter Lot Size Compatibility Standard~~

~~Lot size compatibility shall be required if a proposed Low Density Residential (LDR) subdivision (except a "large lot subdivision") will abut and/or be separated by a local street or easement from existing LDR lots, parcels or tracts. However, if an existing LDR lot, parcel or tract is 10,000 sq. ft. or greater in area and either:~~

- ~~(1) has no habitable dwelling; or~~
- ~~(2) cannot be developed with a residential use because it is developed or set aside for a public use (open space, park, utility tract, etc.) or~~
- ~~(3) is not buildable due to a natural resource constraint;~~

~~then such existing LDR lot, parcel or tract shall not be considered in the lot area calculations for this section.~~

~~This shall be achieved by applying the following lot area (size) standards:~~

- ~~(A) Along each boundary of a proposed subdivision, the average lot size of existing lots, parcels or tracts (abutting or separated by a local street or easement) shall be separately calculated;~~
- ~~(B) New residential lots, proposed to border existing residential lots, parcels or tracts shall be at least 90% (.90x Avg. Area of existing lots) of the average existing lot, parcel or tract size along that particular boundary;~~
- ~~(C) If a proposed lot has two or more of its sides bordering existing lots, parcels or tracts (e.g. a corner lot) then its size shall be, at a minimum, the larger of the average existing lot, parcel or tract size as calculated above;~~
- ~~(D) In no case shall any proposed perimeter lots be less than the minimum lot area required by the LDR district nor be greater than 10,000 square feet.~~
- ~~(E) Where the above calculation requires that a perimeter lot be 6,000 square feet or more, the minimum lot width at the building line shall be 60 feet.~~
- ~~(F) The minimum lot area required by the perimeter lot size standard can be reduced or increased by up to 10% if the applicant demonstrates this exception is needed in order to have a logical lotting pattern that meets City development code requirements.~~

Subsection 6.0212 Notes:

- a. ~~The LDR Average Lot Size standard of Section 4.0131(A) and the LDR Minimum Density standard of Table 4.0130 shall not apply to the lots subject to this standard but do apply to any remaining lots of the proposed subdivision.~~
- b. ~~Relief from this standard, through the granting of a variance, shall not be approved.~~
- e. ~~Properties which are large enough to be subdivided but which are limited to partitioning because of this standard must be developed at the minimum density allowed by the LDR district "rounded down".~~

Section 22. Volume 3, Development Code, Section 6.0302 is amended as follows:

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, and TLDR and TR. Only those housing types permitted as allowed uses in each district shall be allowed in PDs.

Section 23. Volume 3, Development Code, Sections 6.0320 through 6.0321 are amended as follows:

Development Standards

6.0320 Site Development Requirements

- (A) Site development standards of the underlying land use district, including maximum and minimum density standards, shall apply unless superseded by the standards of the PD Section or applicable Overlay District. The regulations of the PD Section shall prevail if there is a conflict.
- (B) The regulations of the PD Section shall apply unless superseded by the standards of the Overlay Districts in Article V. The regulations of the Overlay District(s) shall prevail if there is a conflict.
- (C) Community services developed in conjunction with a residential PD shall be subject to the provisions of Sections 8.0100 and 7.0000. Such reviews would occur concurrently with the PD.
- (D) Attached single-family dwellings (rowhouses or townhouses) and two-unit attached dwellings (duplexes) are not allowed in the LDR-5, ~~Low Density Residential District~~ or LDR-7 Districts.
- ~~(E) Planned Developments within the LDR District are required to meet the Perimeter Lot Size Compatibility Standard of Section 6.0212.~~
- (EF) Single family attached dwellings are required to comply with the site design review process and standards of Section 7.0201 at the same time (concurrently) as the PD review.

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 ~~LDR District~~ Safe Neighborhood Design Performance Standards do not apply.

Section 24. Volume 3, Development Code, Table 6.0321 is amended as follows:

Table 6.0321

Standards Allowed For PD

Residential Units Permitted in VLDR-SW, LDR-5, LDR-7, and TLDR, and TR

**** Table omitted *****

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

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

³Structures 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.

⁴Whichever is greater.

⁵It shall be demonstrated that general utilities such as electric and telephone lines can be accommodated and, if necessary, utility easements shall be provided.

⁶Cottage units may be allowed in LDR-5 and TLDR as part of a PD.

⁷Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW.

⁸Two-unit attached dwelling units (duplexes) are not allowed in LDR-5 or LDR-7 as part of a PD.

Section 25. Volume 3, Development Code, Section 6.0329 is amended as follows:

6.0329 Additional Standards for Large Lot PDs

- (A) Large Lot PDs are not limited to just areas covered by Physical Constraint Districts. In case of conflicts in standards, the more restrictive standards shall apply, with the exception of (D) below, which applies in any case.
- (B) When clustering and/or attached housing are not proposed and site grading will not exceed the 35% of site limit (if Hillside) as per Section 5.0223, 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 areas or not, adjoining other developed areas.
- (C) A minimum site size of 2 acres is required for establishment of a Large Lot PD.
- (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.

Section 26. Volume 3, Development Code, Section 6.0402 is amended as follows:

6.0402 Final Plat - Complete Submittal

The following must be submitted with the final plat for the application to be considered complete for review:

- (A) A copy of any dedication or easements requiring separate documents.
- (B) Deeds conveying property to the City.
- (C) Guarantee of completion for the public improvements.
- (D) An approved grading and drainage plan meeting the requirements of Section 9.0500.
- (E) Submission of approved public facility construction drawings. Any new streets to be platted shall continue to be shown as "Proposed Street A, Proposed Street B", etc. until otherwise directed by the Manager after exact street alignment has been approved and addressing staff has assigned the street name(s) to comply with the "City of Gresham Street Naming and Property Addressing Guidelines."
- (F) If applicable, additional plat sheets (consistent with Section 6.0403) that show the location of building setback lines (when different from minimum standards), protected solar building lines, zero lot lines, PD yard setbacks and lot building areas, Natural Resource and transition area boundaries, shared access, identify attached single family dwelling and two-unit attached dwelling lots and a lot for a pre-existing dwelling (if not included in the average lot size calculation), "left-over" parcels and other information as required by the applicable provisions of the Community Development Code. Construction drawings and/or additional plat sheets shall show the location of any collective mailboxes as approved by the Post Office and the Planning Department.
- (G) In a PD ~~and in the LDR District~~, additional plat sheets that show a Street Tree Plan consistent with the Tentative Plan approval.

Section 27. Volume 3, Development Code, Section 7.0001 is amended as follows:

7.0001 Site Design Review Requirements

- (A) General Provision: Various degrees of site review are required by provisions of this code. Applications subject to site design review shall be considered by the Manager under the Type II procedure.
- (B) Applicability of Requirements: A development permit for multi-family residential development, single family attached dwelling units, manufactured dwelling park, commercial, or industrial development shall comply with the site design review requirements of the Community Development Code if the development permit is for initial construction or for alteration that affects the use or significant elements of the site plan or exterior building design. Information on the proposed development shall include sketches or other explanatory information required by the Community Development Code.

Two-unit attached dwellings permitted in the ~~Low Density Residential~~ LDR-5, LDR-7, TLDR or TR Districts ~~or in the Transit Low Density Residential District~~, or on individual lots in other residential districts (duplexes), are not subject to site design review.

Section 28. Volume 3, Development Code, Section 7.0201 is amended as follows:

7.0201 Dwelling Structures Containing Two or More Units, Single Family Attached Dwelling Units and for Elderly Housing

(A) Applicability

This section shall apply to attached dwellings containing two or more units, single family attached dwelling units and elderly housing in all residential, Downtown, Civic Neighborhood, Pleasant Valley, Springwater and corridor districts, except as provided in Sec. 7.0001(B). In addition, Section 7.0210(B) shall apply to attached dwellings containing two or more units, single family attached dwelling units and elderly housing in Station Center and Rockwood Town Center Districts.

(B) Purpose

The purposes of this section include promoting the livability, neighborhood compatibility and public safety of attached dwelling developments. Design standards are to ensure that individual developments contribute to a quality environment for people utilizing the development and the surrounding neighborhood.

(C) Design Standards

In designing the site development plan and landscaping plan the following design criteria and standards shall apply: Landscaping; Building Orientation; Storage; Vehicular Circulation and Parking; Crime Prevention; Pedestrian Circulation; Architectural Design; Single Family Attached Standards; and Transition and Compatibility Between Attached Dwellings and LDR-5/LDR-7/TLDR/TR Development; and other standards as applicable.

(F) Storage

Space shall be provided for garbage, recycling and storage in accordance with the following standards:

- (1) Exterior garbage collection and recycling areas shall be entirely screened by the employment of a vegetative screening and/or minimum 6 foot high sight-obscuring fence or wall. This requirement applies to single-family attached dwellings only if common garbage collection and recycling facilities are provided for the site.
- (2) Outdoor storage facilities shall be provided for articles such as barbecues, outdoor furniture, etc., including single-family attached dwellings. The storage facility shall be a minimum 6'-0" high and 24 square feet in area. The facility shall either be connected to each unit, within a garage that belongs with a unit, or easily accessible (such as in a central facility), be completely enclosed and capable of being locked. If located within a garage, the storage space must be separate from and in addition to the area required for vehicle parking so as to not impede vehicle parking. (Except for retirement housing, elderly housing assisted living developments need not comply with this requirement.)
- (3) Except for two-unit attached dwellings and attached single-family dwellings, no exterior garbage collection and recycling area shall be located within 25 feet of property lines abutting LDR-5, LDR-7, ~~or~~ TLDR or TR designated property.

(K) Transition and Compatibility Between Attached Dwellings and LDR-5/LDR-7/TLDR/TR Development

Restrictions for residential buildings, any portion of which is within 50 feet of an abutting LDR-5, LDR-7, or TLDR or TR District:

- (1) The residential building shall contain no more than 12 dwelling units.
- (2) The Height Transition standards of Section 9.0610(A) shall apply to all residential buildings.
- (3) Minimum spacing distance between buildings shall be 15 feet. However, where a building exceeds 100 feet in length the minimum spacing distance between that building and any other residential building shall be 20 feet.

(M) Other standards for Single Family Attached Dwellings

(1) Street Frontage and Building Orientations

The following standards are intended to promote and maintain an orientation to the street for single family attached dwelling developments.

- (a) Single family attached units are not allowed to be constructed on flag lots except in cases where minimum density standards would otherwise not be met. When located within LDR-5, LDR-7, or TLDR or TR, the standards of Section 4.01389 (Residential Infill Standards for LDR-5, LDR-7, TLDR and TR ~~Residential Infill Standards for LDR and TLDR~~) would be applicable. The end unit abutting the street (as applicable) must have its primary entrance oriented to the street.

(3) Setback, Separation and Height Standards for single family attached dwellings

- (a) The minimum setback standards on the following table are required for single family attached dwellings in all districts where they are permitted excepting the Pleasant Valley (Table 4.1408) and Springwater Plan Districts (Table 4.1508):

Table 7.0201(M)(3)(a)

Minimum Setback Standards for SFA Dwelling Units

Districts with Maximum Density generally at or less than 24 units per acre (TR, TLDR, MDR-12, MDR-24, OFR, and DR-12 districts)

Districts with Maximum Density greater than 24 units per acre and the CMF and CMU Districts

Front facade

10 feet

5 feet

Front porch

6 feet

3 feet

Front face of garage

20 feet

20 feet

Interior side (not common wall)	5 feet
	5 feet
Side (common wall)	0 feet
	0 feet
Street side (façade)	6 feet
	5 feet*
Street side (porch)	6 feet
	5 feet*
Street side (garage face)	20 feet
	20 feet*
Rear (no alley)	10 feet
	10 feet
Rear (alley)	6 feet
	5 feet

*For street side in MDR-C, see Table 4.1230(E).

Section 29. Volume 3, Development Code, Section 7.0212 is amended as follows:

7.0212 Standards for Solid Waste Recycling and Service and Collection Areas for new Multi-Family, Commercial and Industrial Development

- (A) New multi-family development of four or more units, commercial development, and industrial development shall provide for recycling and solid waste service and collection areas according to the following standards:
- (1) Recycling and solid waste service areas shall be located in close proximity to each other and be safely accessible to the local licensed hauler's collection vehicles and shall comply with the Gresham Revised Code, 7.25, related to placement of containers for collection.
 - (2) An adequate number of recycling and solid waste service areas shall be provided in locations that are conveniently accessible by the development's users, tenants and/or residents.
 - (3) No recycling and/or solid waste service area shall be located within any required buffer, screening or setback areas. In particular, no such service area shall be located adjacent to a property boundary bordering a low density single-family residential (~~LDR~~LDR-5 or LDR-7) area.

Section 30. Volume 3, Development Code, Section 8.0114 is amended as follows:

8.0114 Design Review and Approval Criteria for Community Services

- (F) An applicant for a cellular communications facility that includes a cell tower must co-locate on an existing cell tower, unless it can be reasonably demonstrated that such is not feasible, in which case the new cell tower shall be grouped at the same site, or, be located no closer than 2,000 linear feet from another cell tower. No cell tower shall be located within the ~~LDR, TLDR~~ LDR-5, LDR-7, TLDR and TR Districts, unless such location is absolutely necessary for the maintenance of cellular communications within that cell area. For all cell tower proposals, the facility shall be located at least 200 feet from the nearest residence and must be constructed to allow co-location of additional antennae facilities.

8.0121 Standards

Community Services shall be located in conformance with the following standards:

- (F) Commercial parking facilities are not permitted in the LDR-5, LDR-7, TLDR, TR or MDR-12 ~~districts~~ Districts.

- (H) Community Service structures shall meet the following site development requirements, except for proposed uses in an existing residential structure:
- (1) Minimum yard setbacks in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, and CMF:
 - (a) Front yard = 30 feet
 - (b) Side yard = 20 feet for one-story buildings and 25 feet for two or more stories.
 - (c) Rear yard = 25 feet
 - (d) Exception: structures included with a public trail development shall be as required in the district, and, structures fronting a transit street or arterial street shall be subject to the front yard setbacks as required in the district.
 - (2) Minimum yard setbacks in OFR, NC, GC, RTC, SC, CMU, CC, MC, BP, LI, and HI: All yards shall be as required in the district.
 - (3) Maximum building height: All building heights shall be as required in the district.
 - (4) Maximum lot coverage in the LDR-5 or LDR-7 Districts shall be 50%.
- (I) Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed the following maximum density requirements:
- (1) a maximum of 22 living units per acre in the ~~Low-Density Residential and Transit Low-Density Residential~~ LDR-5, LDR-7, TLDR and TR ~~D~~istricts.
 - (2) 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.

(K) Helicopter landing facilities shall meet the following standards:

- (1) Are permitted in GC, RTC, CC, LI, HI, BP Districts, and the Downtown Plan District and the Civic Neighborhood Plan District.
- (2) Are permitted in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF, CMU, SC, MC, OFR and NC Districts as an accessory to a community service use. Only trips which support the community service use are allowed.

Section 31. Volume 3, Development Code, Section 8.0240 is amended as follows:

8.0240 Nonconforming Uses in Residential Land Use Districts

Notwithstanding the provisions of this section, any nonconforming use engaged in manufacturing, processing, storage, sales, or personal or business services which is located in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, or CMF districts shall be subject to the following limitations:

- (A) The detrimental effects of the nonconforming use in the surrounding area due to noise, vehicle traffic, vibration, dust, odor, fumes, smoke, or glare shall not increase beyond the levels existing at the time of the effective date of this section.
- (B) The hours of operation and number of employees of the nonconforming use shall not increase beyond the hours of operation and number of employees existing at the time of the effective date of this section.
- (C) There shall be no enlargement or moving of the nonconforming use, or any development associated with the use, after the effective date of this section.
- (D) The extent of existing buffering and screening between the nonconforming use and abutting conforming uses shall not be diminished after the effective date of this section.
- (E) Where one or more structures on the site of a nonconforming use is damaged by fire or other cause, and the estimated cost of repairing the damaged structure or structures amounts to more than 50% of the value of all improvements on the site, the nonconforming use shall be terminated. The estimated cost of repair shall be determined by the Manager under the Type II procedure, based on best available information.

Section 32. Volume 3, Development Code, Section 9.0110 is amended as follows:

9.0110 Buffering and Screening Requirements

- (A) A buffer consists of a horizontal distance adjacent to the property line and may include vertical elements such as plants, berms, fences or wall, which may only be occupied by screening, utilities and landscaping materials.
- (B) The buffer area requirements are in addition to the minimum yard setback requirements and landscaping requirements, except for developments as specified within the Downtown Plan District, the Civic Neighborhood Plan District, the Rockwood Town Center District, and the Station Centers District. In districts where a maximum setback distance is specified, the buffer width distances of Table 9.0111B shall be reduced so that they do not exceed the maximum setback distance. The buffer requirements are in addition to the street tree requirements.

- (C) For purposes of this section a vacant lot is a lot that is undeveloped or developed with a non-conforming use. Least to more intensive use is: LDR-5 District dwellings and LDR-7 District dwellings, TR District dwellings, TLDR District dwellings, 2 to 4 attached dwellings or single family attached dwellings, 5 or more attached dwellings or single family attached dwellings, residential community service, primarily residential mixed use, office use, NC use, GC use, primarily commercial mixed use, non-residential community service use, outdoor commercial use, BP use, LI use, HI use and regional shopping center. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the conforming use that would conflict most with the proposed use.
- (1) When the proposed development occurs adjacent to a vacant lot one-half of the buffer and screening shall be provided at the time of the proposed development. The one-half provided by the proposed development shall at least include one-half of the required buffer width and one-half of required buffer shrubs and trees and groundcover. A required fence or wall shall be provided by the more intensive use at the time of its development. The balance of the buffer shall be provided at the time the vacant lot is developed.
 - (2) If the proposed development abuts a property in the LDR-5, LDR-7, ~~or TLDR~~ or TR District, the entire buffer shall be provided by the proposed development.
 - (3) If the proposed development is an LDR-5, LDR-7, ~~or TLDR~~ or TR District dwelling and abuts vacant land that is primarily intended for a more intensive use, the entire buffer shall be provided by the more intensive use at the time of its development.

Section 33. Volume 3, Development Code, Section 9.0301 is amended as follows:

9.0301 General Utility Easements

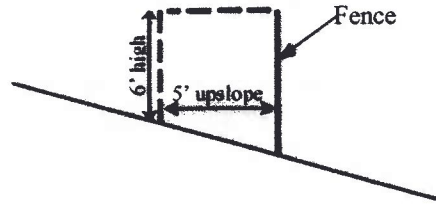
A 6-foot wide general utility easement shall be provided along all lot lines abutting public rights-of-way and along the rear lot line when abutting an alley in the ~~LDR~~ LDR-5, LDR-7, ~~and TLDR~~ and TR Districts. Design, dimensioning, and use of general utility easements shall be in accordance with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

Section 34. Volume 3, Development Code, Section 9.0410 is amended as follows:

9.0410 Fencing of Lots

- (A) Fencing shall not exceed 6 feet in height in a Residential Development District when measured from grade unless:
- (1) It is provided for in the Buffering and Screening requirements of Section 9.0100; or,
 - (2) There is a grade difference between two sites which would make a 6-foot high fence inadequate to provide for privacy. Such fence shall be no higher than 6 feet above the highest grade within 5 feet of the common boundary line.

(3) To provide added security for a non-residential use.



(B) All fencing shall not conflict with the requirements of the Clear Vision Area (Refer to Section 9.0200).

(C) Special front and rear yard fence height provisions apply to lots created under the standards in effect on or after December 19, 1996 in the LDR-LDR-5, LDR-7, and TLDR and TR Districts (see Section 4.0132(ED)(4) and (5)).

Section 35. Volume 3, Development Code, Sections 9.0602 through 9.0610 are amended as follows:

9.0602 Applicability

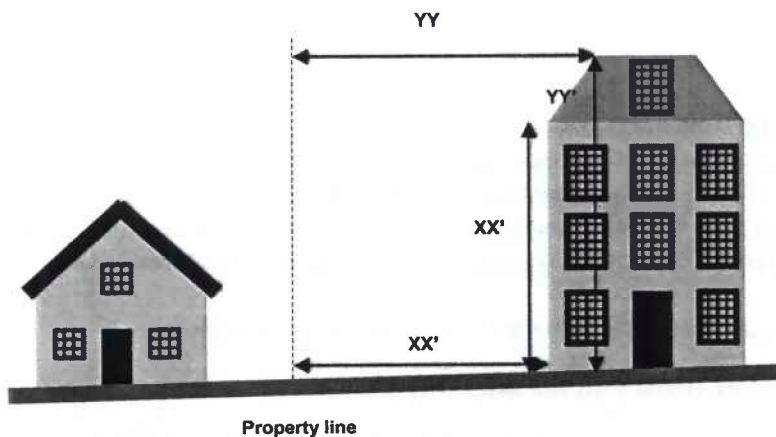
The following standards apply to all buildings to be built on lots in the Corridor Districts, MDR-12, and MDR-24 Districts, Office/Residential, and Commercial Districts; and Business Park, Light and Heavy Industrial Districts that abuts an LDR-LDR-5, LDR-7, or TLDR or TR District (except as modified in 9.0610 below).

Standards

9.0610 Height Transition Standards

(A) For every one foot of height of a portion of a proposed building one foot of horizontal distance between that portion of the building to the abutting LDR-5, LDR-7, or TLDR or TR property line is required. (See Figure 9.0610A)

Figure 9.0611A-0610A



(B) Commercial and Industrial Districts: The standard under 9.0610(A) applies to all buildings to be built on lots in the NC, GC, BP, LI and HI Districts when those lots abut any district allowing residential development.

(C) Height transition standards will apply to developments of community services, single family attached housing, and duplexes within the LDR-LDR-5, LDR-7, and TLDR-4 Districts and for these uses within other districts that are adjacent to single family detached housing located in LDR-LDR-5, LDR-7 and TLDR.

(D) The following standards apply in the TR District (see Figure 9.0610B):

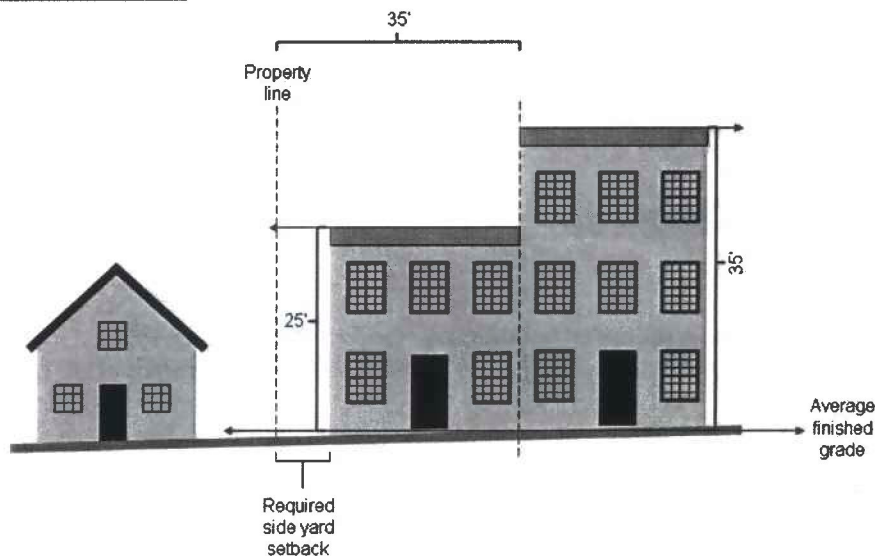
(1) Community Services and Duplexes: Height transition standards as described in 9.0610(A) and 9.0610(C) will apply to developments of community services and duplexes in the TR District.

(2) Single-family attached housing:

(a) Side yard: For single-family attached housing adjacent to an LDR-5 or LDR-7 District, building height is limited to 25 feet within 35 feet of horizontal distance from a shared property line with LDR-5 or LDR-7 if the shared property line is on a side yard.

(b) Not side yard: The height transition standards described in 9.0610(A) and 9.0610(C) apply if the shared property line is not a side yard.

Figure 9.0610B



9.0611 Elements Allowed Within the Height Transition Area

The required buffering and screening as well as utilities and open space areas (except that childrens play areas may not be located within setbacks and buffer areas) may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area. See Section 9.0100 for buffering and screening requirements. (Figure 9.0611A follows.)

Section 36. Volume 3, Development Code, Section 9.0871 are amended as follows:

9.0871 Recreational Vehicle Parking in Low Density Residential Districts

As defined by Section 3.0010 of the Community Development Code a recreational vehicle parked on a residential lot within the LDR-LDR-5, LDR-7 or TR land use district Districts shall meet the following requirements:

- (A) The recreational vehicle shall be parked on a hard surface such as compacted gravel, concrete, asphalt, or similar durable material.
- (B) If parked on a corner lot the clear vision area parking restriction applies (refer to Section 9.0200).

Section 37. Volume 3, Development Code, Section 9.1021A is amended as follows:

Table 9.1021A Tree Spacing

Principal/ Arterial/ Boulevard ³	30 feet
Arterial ³	30 feet
Collector ³	R - 30 feet (2 min., 3 min. if corner lot) C - 20 feet (2 min., 3 min. if corner lot) I - 20 feet
Community Street ³	R - 30 feet (2 min., 3 min. if corner lot) C - 20 feet (2 min., 3 min. if corner lot) I - 20 feet
Local: Transitional ^{1,3}	R - 30 feet (2 min., 3 min. if corner lot) C - 20 feet (2 min., 3 min. if corner lot) I - 20 feet
Local: Queuing Street/Lane Minor Access Street ³ , Cul-de-sac ^{2,3}	R - 30 feet (2 min., 3 min, if corner lot)

Table Notes:

- 1 Includes linear section of cul-de-sac.
 - 2 Depends on length of frontage.
 - 3 Or as required by an approved Street Tree Plan in a PD development or in a low density LDR-5, LDR-7, TLDR or TR or ~~transit low density residential~~ district. For single family attached dwellings, there shall be a minimum of 1 tree per lot street frontage.
- R = residential, C = commercial, I = industrial.

Section 38. Volume 3, Development Code, Section 10.0201 is amended as follows:

10.0201 Residential Accessory Structures

A detached accessory structure may be constructed or installed when in conformance with standards as listed below. More than one accessory structure may be placed or built on a site, however an accessory structure will not be permitted where it would result in total building coverage in excess of the maximum coverage specified for the district in which the property is located. In addition, conformance with buffering and screening and height transition standards shall be required where applicable.

- (E) In the LDR-LDR-5, LDR-7, or TLDR or TR District an attached or detached covered patio or covered deck may be placed between 3 feet to 5 feet from any interior side or rear yard setback provided that:
 - (1) The height of the patio or deck cover in the setback area is not greater than 12 feet above grade.
 - (2) The roof of the structure is constructed so that water runoff from the structure does not flow onto an abutting parcel.
 - (3) It does not encroach into the 6-foot maintenance easement area associated with zero lot line conditions.

Section 39. Volume 3, Development Code, Section 10.1312 is amended as follows:

10.1312 Approval Criteria and Standards

The Manager shall approve an application for development permit if the applicant shows that either the primary dwelling or the temporary accessory dwelling will be occupied by a person with a health hardship, and that

- (A) The person with a health hardship is either one of the property owners or a relative of one of the property owners. For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.
- (B) The person with the health hardship is unable to adequately provide daily self-care needs because of a physical and/or medical impairment, based upon a statement from a licensed physician.
- (C) The manufactured home to be occupied as the temporary accessory dwelling is located on the site of an existing single-family dwelling, or on a vacant lot abutting the site of the existing single-family dwelling.
- (D) The application is consistent with the following:
 - (1) Temporary health hardship dwellings shall meet the standards of the ~~Low Density Residential~~ LDR-5 or LDR-7 Districts.

Section 40. Volume 3, Development Code, Section 10.1312 is amended as follows:

10.1520 Reduction in Minimum Street Frontage

Intent. The City's transportation policies assure public street connectivity in general, and specifically require public street frontage and access for residential parcels.

Adjustment. However, the Manager under a Type II procedure may reduce the minimum street frontage required if 1) such reduction is necessary to satisfy neighborhood circulation and/or future street plan provisions (Section 9.0700), and 2) Associated findings show either condition (A) or condition (B) exists, and condition (C) exists:

- (A) Topographical constraints preclude the application of the minimum standard; or
- (B) The land division is part of an infill process where the application of the minimum street frontage standard would prohibit the division of the parcel. Infill development within ~~LDR-LDR-5, LDR-7, and TLDR and TR~~ shall also be subject to the standards of Section 4.0138; and
- (C) It is not feasible to extend the public street system to provide local circulation and the minimum street frontage. For purposes of the section "not feasible" shall mean that there is no reasonable connection to another public street; or that the property configuration or physical constraints preclude connection; or lotting patterns surrounding the site or development patterns preclude street extensions, and/or an adopted Future Street Plan affects the site.

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Section 41. Volume 3, Development Code, Table A5.503(B) is amended as follows:

Table A5.503(B) Driveway Approach Widths (Minimum/Maximum)

Street Classification	Residential	Commercial	Industrial
Principal Arterial	N/A ¹	12/36	12/36
Arterial	12/24 ²	12/36	12/36
Boulevard	12/24 ²	12/36	12/36
Collector	12/24 ²	12/36	12/36
Community Street	12/24 ²	12/36	12/36
Local Transitional	12/24 ^{2,4}	12/36 ³	12/36 ³
Local Queuing	12/24 ^{2,4}	N/A	N/A
Minor Access Street	12/24 ^{2,4}	N/A	N/A

Notes:

- 1 Special conditions may warrant access.
- 2 28 feet maximum with 3 car garage (three bays wide).
- 3 Build to Community Street standard.
- 4 In the LDR-LDR-5 and LDR-7 Districts, the maximum width is 16 feet on interior lots with less than 45 feet of street frontage. Corner lots accessing the street with less than 36 feet of street frontage as measured from the curb return to property line are limited to a 12 feet driveway width.

Section 42. Volume 3, Development Code, Section A6.090 is amended as follows:

Signs in Residential Land Use Districts

A6.090 Residential Districts

Signs in the LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, Corridor Multi-Family and OFR Districts and LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts shall be subject to the provision of this section and all other applicable provisions of this ordinance.

Section 43. Volume 3, Development Code, Section A6.110 is amended as follows:

A6.110 Community Service Development

Community Service Developments are permitted in all land use districts. All Community Service Development signs shall conform to the sign standards identified in the specific land use district of the property except for development in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24, CMF and OFR Districts and LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts. Signs located in these districts shall comply with the following standards:

Section 44. Volume 3, Development Code, Section A8.001 is amended as follows:

A8.001 Development Permit for Solar Access

An owner of property may apply for and/or be subject to a development permit for solar access for a solar feature if that property is in the LDR-LDR-5 or LDR-7 districts or will be developed with a single family dwelling. The purpose of this permit is to protect solar access to solar features on lots designated or used for a single family detached dwelling by prohibiting solar features from being shaded by certain future vegetation on and off the permittee's site.

Section 45. Volume 2, Policies, Appendix C, is amended as follows:

Volume 2, Policies, Appendix C, of the Community Development Plan Map, is amended to reflect changes as shown in Exhibit 'A' attached hereto.

First reading: December 16, 2008

Second reading and passed: January 20, 2009

Yes: Bemis, Strathern, Warr-King, Nielsen-Hood

No: Craddick

Absent: Bennett

Abstain: Widmark

City Manager

Mayor

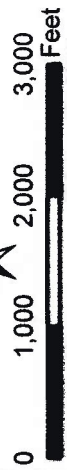
Approved as to Form:

Senior Assistant City Attorney

Proposed Community Plan Map Changes

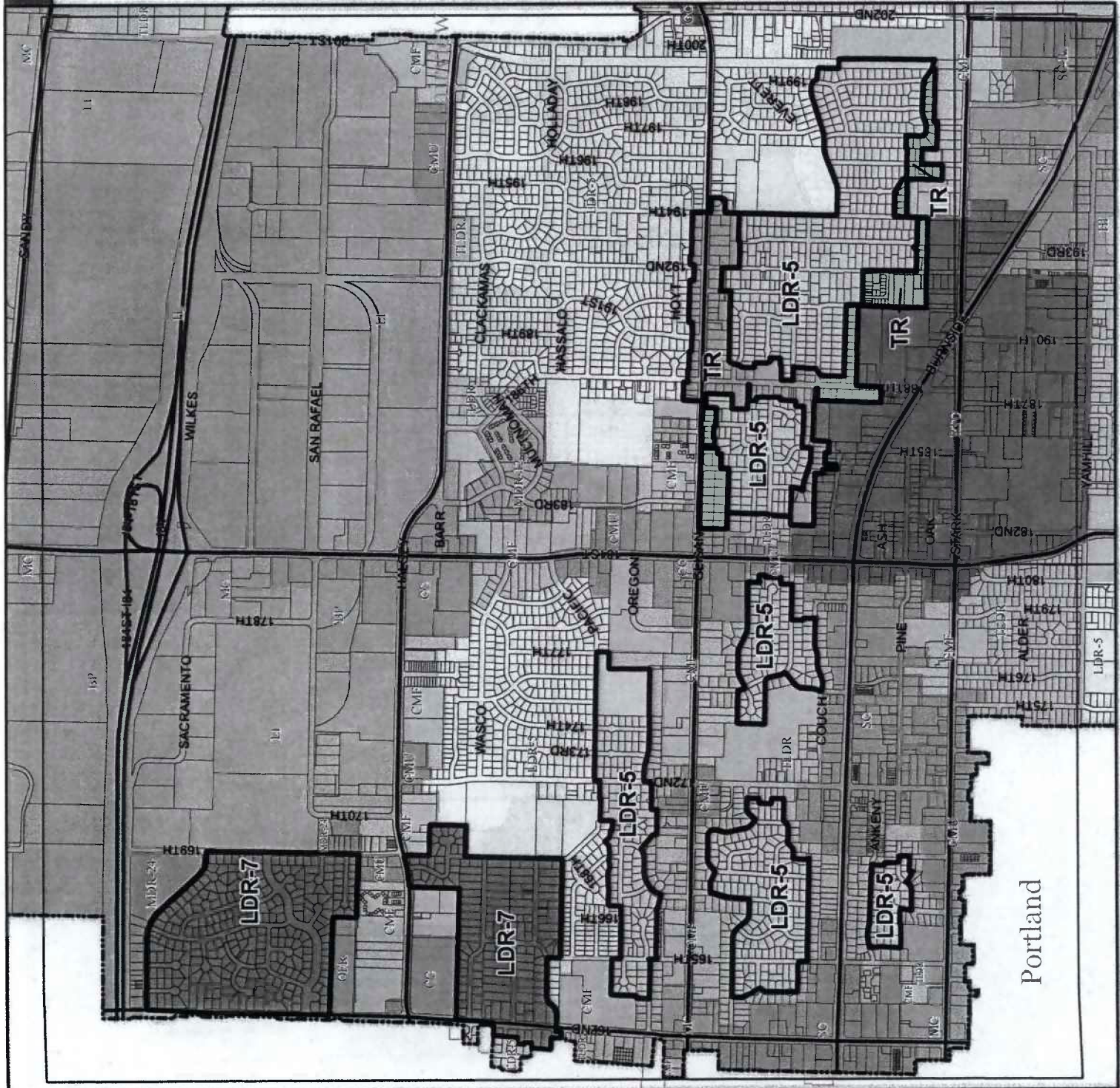
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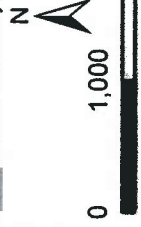


Portland

Proposed Community Plan Map Changes

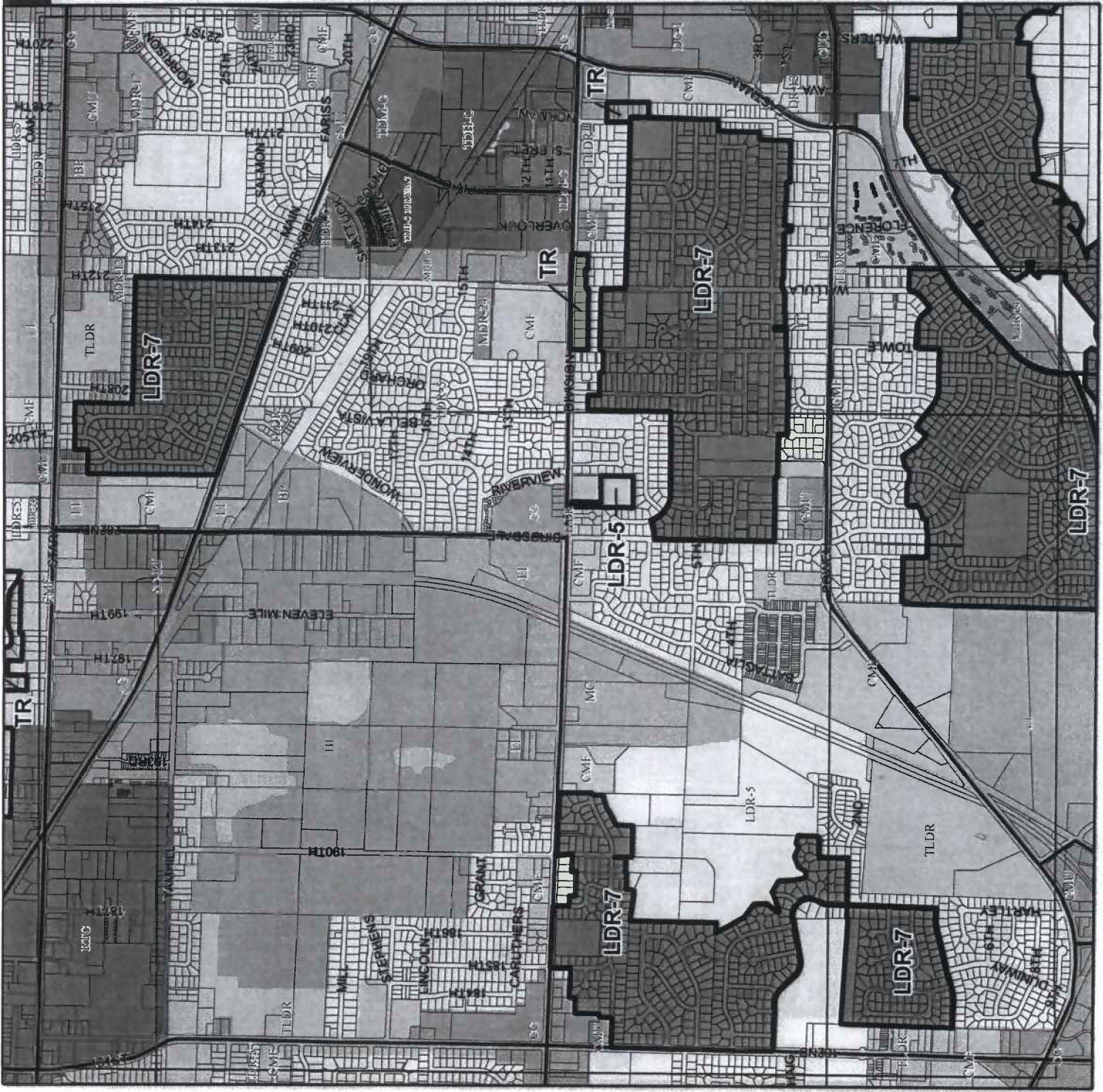
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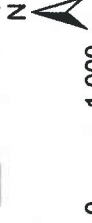
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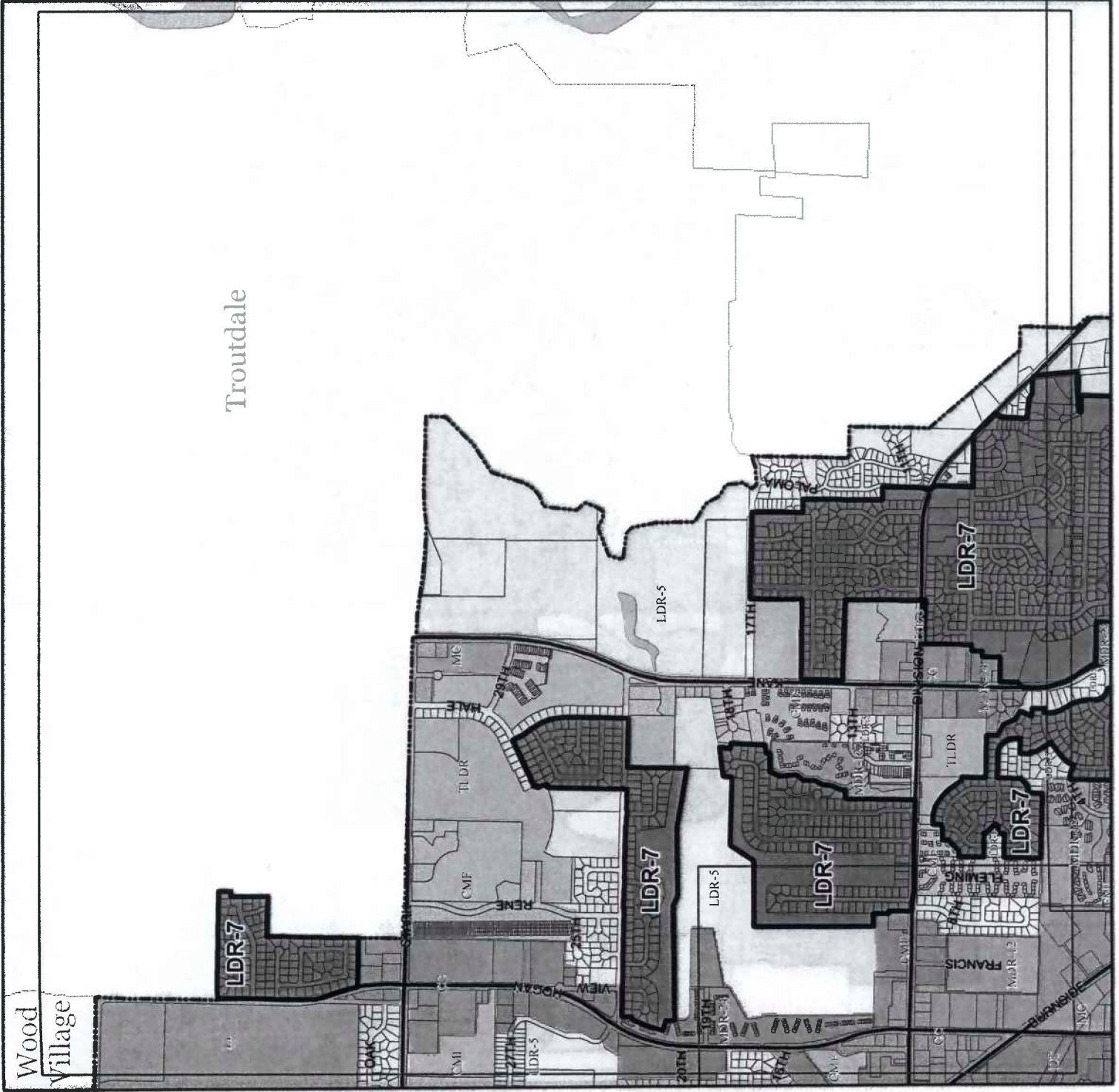
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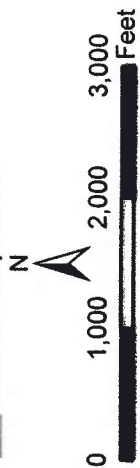
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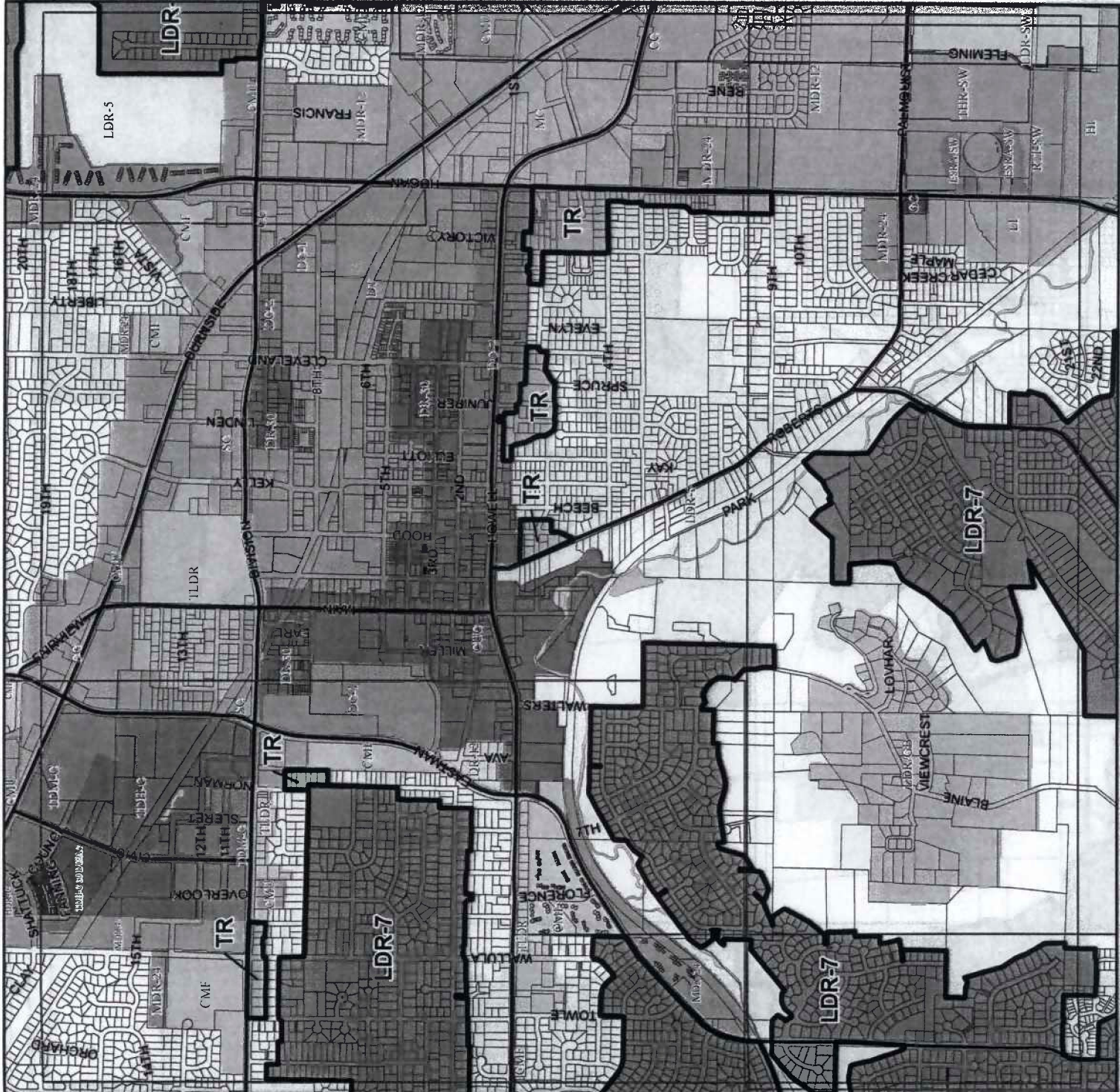
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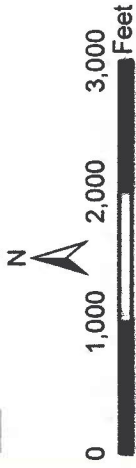
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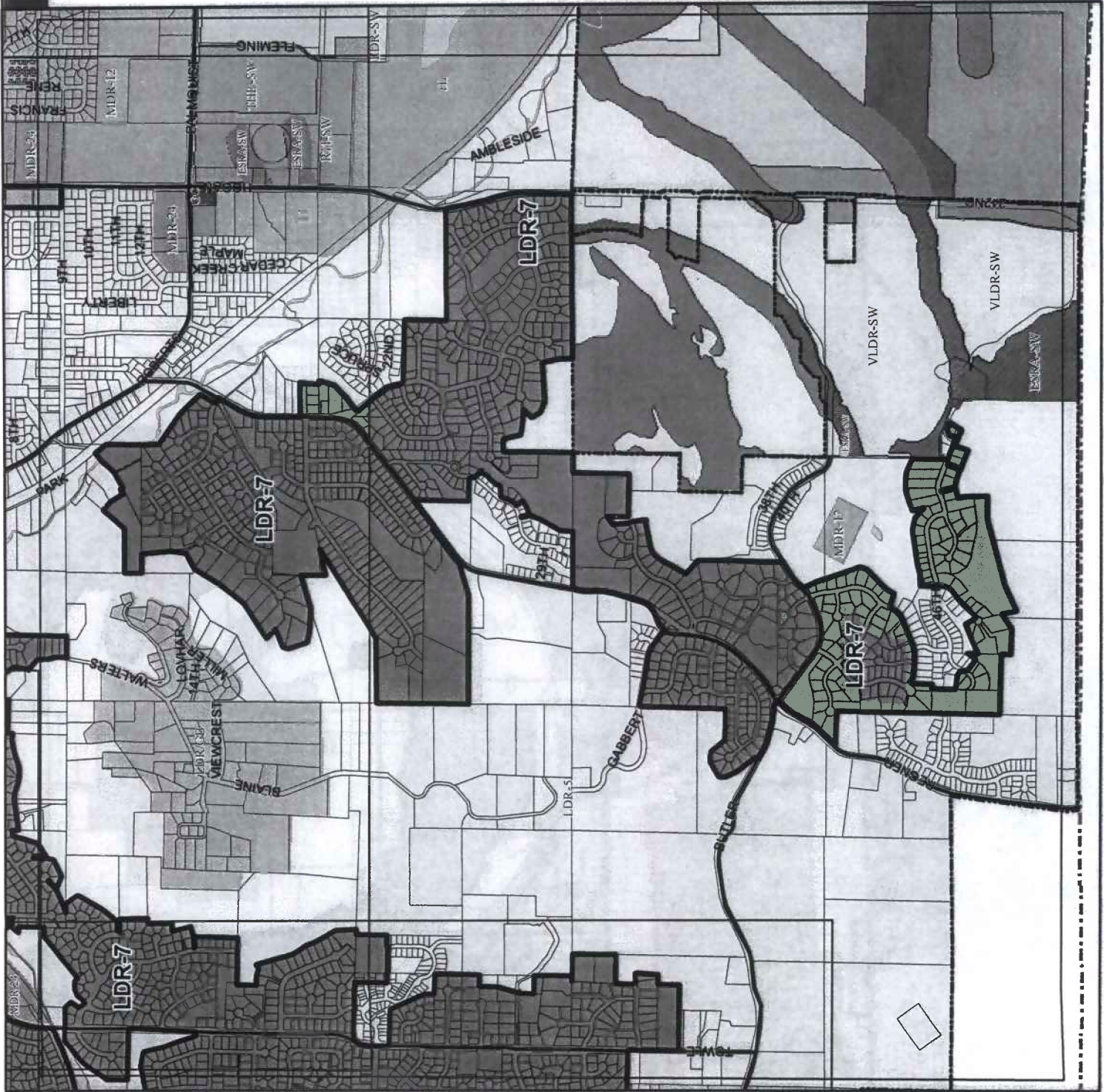
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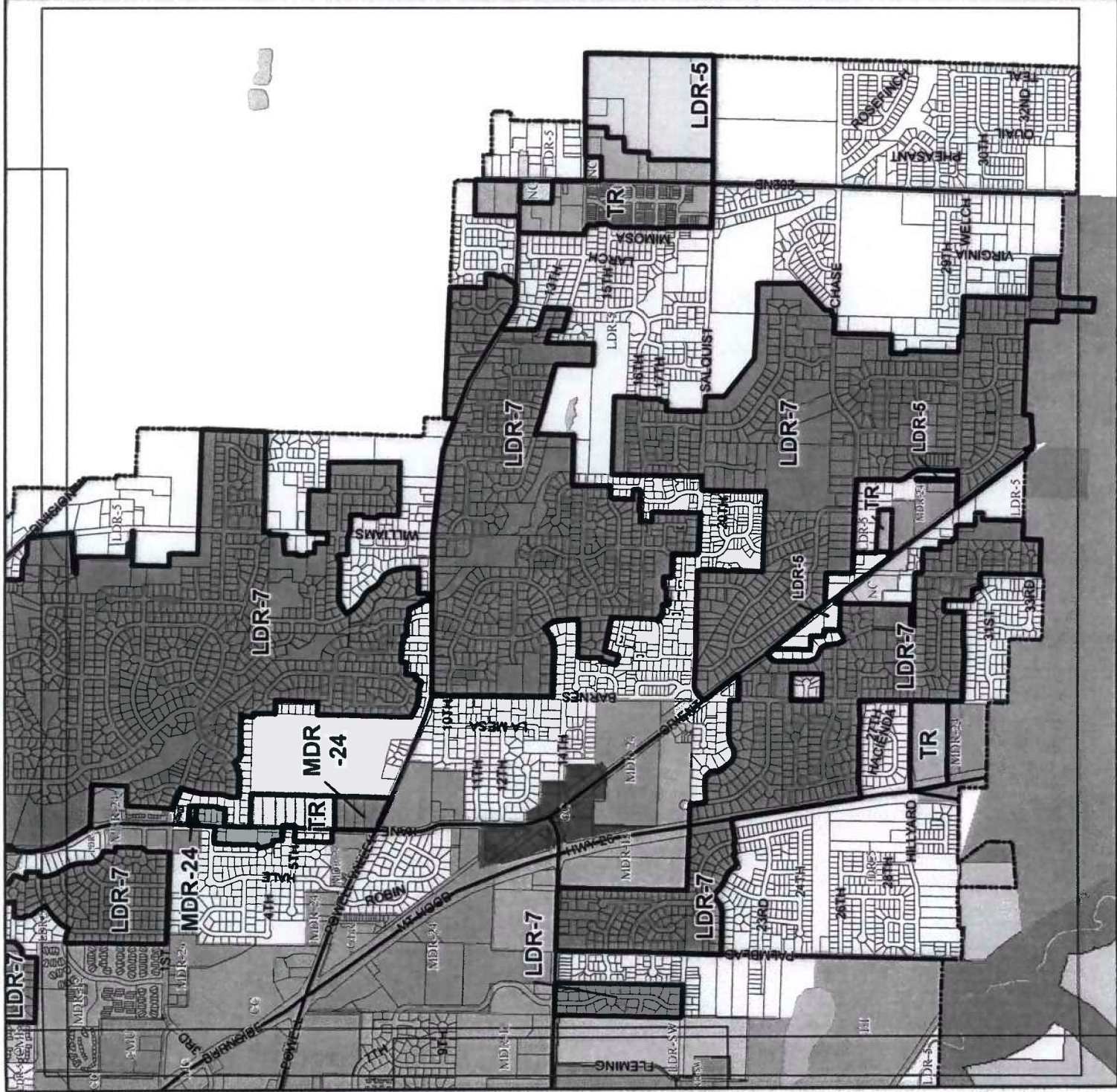
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BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 2,) Order No. 609
POLICIES, AND VOLUME 3, DEVELOPMENT CODE,)
OF THE GRESHAM COMMUNITY DEVELOPMENT) CPA 08-293
PLAN RELATED TO THE RESIDENTIAL DISTRICTS)
REVIEW PROJECT)

On December 16, 2008, the City Council held a public hearing to take testimony on amendments to Volume 2, Policies, and Volume 3, Development Code, of the Gresham Community Development Plan relating to the Residential Districts Review Project.

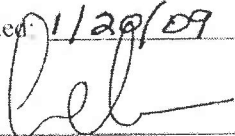
The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the December 16, 2008 meeting, and a decision was made at the January 20, 2009 meeting.


A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached Planning Commission Recommendation Order, Planning Commission staff report, memorandum to Mayor and Council of December 16, 2008; the additional Staff Recommended changes as set forth in Attachment F to the December 16, 2008, Agenda Item Number D-1, and Exhibit 3 to the January 20, 2009, Agenda Item No. E-1.

Dated: 1/20/09



City Manager



Mayor

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF GRESHAM**

TYPE IV RECOMMENDATION ORDER

CPA 08-293

A public hearing was held on November 10, 2008, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan relating to the **Residential Districts Review** project, including establishing new Low Density Residential-7 (LDR-7) and Transition Residential (TR) districts; Plan Map amendments to the Low Density Residential (LDR), Transit Low Density Residential (TLDR), Moderate Density Residential-24 (MDR-24) and Neighborhood Commercial (NC) districts; and elimination of the Perimeter Lot Size Compatibility standard.

The Commission closed the public hearing at the November 10, 2008 meeting, and a final recommendation to Council was made at the November 10, 2008 meeting.

Richard Anderson, Chairperson, presided at the hearing.

A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of this Type IV Recommendation Order.

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Plan and Plan Map amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached October 30, 2008 staff report with the following exceptions, additions and/or changes:

NONE


Chairperson

Nov 10, 2008
Date



MEMORANDUM

URBAN DESIGN & PLANNING

STAFF REPORT TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT RESIDENTIAL DISTRICTS REVIEW PROJECT

To: Gresham Planning Commission

From: Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, AICP, Comprehensive Planning Manager
Brian Martin, AICP, Associate Planner

Hearing Date: November 10, 2008

Report Date: October 30, 2008

File: CPA 08-293

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Residential Districts Review project, including establishing a new Low-Density Residential-7 (LDR-7) district and a new Transition Residential (TR) district; map amendments to the Low-Density Residential (LDR), Transit Low-Density Residential (TLDR), Moderate Density Residential-24 (MDR-24) and Neighborhood Commercial (NC) districts; and elimination of the Perimeter Lot Size Compatibility Standard.

Exhibits: 'A' -- Draft Amendments to Volume 3, Gresham Community Development Code
'B' -- Draft Community Development Plan Map Amendments
'C' -- Pre-hearing testimony

Recommendation: Staff recommends **adoption** of the proposed comprehensive plan amendments.

SECTION I

EXECUTIVE SUMMARY

Background

The Residential Districts Review project, which is on the City Council's 2008 Work Plan, began in January 2008. Its purpose is to evaluate whether the City's residential district map and Development Code regulations are encouraging high-quality neighborhoods. It aims to ensure that:

- Residential lands are developed in a way that meets the community's vision and the City's goals.
- More intense residential development (such as apartments and condominiums) is located in areas with the facilities to accommodate it, such as transportation infrastructure.
- Gresham's Development Plan better integrates more intense development into the community and provides appropriate transitions between different uses and intensities.
- Sustainable development principles are incorporated where feasible.

The project included an extensive public outreach effort, including three community workshops in March and April to better define the housing issues and two workshops in June to discuss different alternatives for addressing the issues. It also included several presentations to the Planning Commission and City Council.

Comprehensive Planning staff also conducted eight outreach meetings throughout the City in September and October to provide an opportunity for property owners and residents to comment on the proposed map and code changes.

Proposed Comprehensive Plan Amendment Overview

The map and code changes will:

- Create two new land use districts, Low-Density Residential-7, which has a minimum lot size of 7,000 square feet, and TR, which allows a mix of single-family residential, duplexes on corner lots, and townhomes and is intended as a transition between more intense uses and less intense uses.
- Rename Low-Density Residential to Low-Density Residential-5 to ensure clear, consistent nomenclature.
- Eliminate the Perimeter Lot Size Compatibility Standard (Article 6.0212 in the Development Code). The standard now requires perimeter lots in some new developments to be similar to adjacent existing lots. This provision would be eliminated because similar lots are achieved through the application of the LDR-7 district.
- Provide other minor text changes to improve or clarify the code as it related to standards for the residential districts.

The uses and densities allowed in the districts are shown in Table 1.

Table 1: Land Use Districts - Uses and Densities

District	Permitted Uses				Minimum Lot Size (square feet)	Density Minimum to maximum (units per acre)
	Single-family detached homes	Two-unit attached (duplexes)	Single-family attached (townhomes)	Multi-family (apartments and condos)		
Low-Density Residential-5	Yes	Limited (already approved)	No	No	5,000	6.2 to 8.7
Low-Density Residential-7	Yes	Limited (already approved)	No	No	7,000	4.4 to 6.2
Transit Low-Density Residential	Yes	Yes	Yes	No	None	10 to 20
Transition Residential	Yes	Yes	Yes	No	Homes: 4,000 Townhomes: 2,400	6.2 to 18.1 or 6.2 to 14.5 (depending on site size)*
Moderate-Density Residential-24	No	Yes	Yes	Yes	3,600	12.1 to 24.2

* Maximum density: 18.1 units per acre for sites less than 1.5 acres; 14.5 units per acre for sites equal to or greater than 1.5 acres

The proposed map amendments affect nearly 10,000 properties in Gresham, as shown in Table 2.

Table 2: Properties Affected by Map Amendments

Current Land Use District	Proposed Land Use District(s)	Number of Properties
LDR	LDR-7	8,513
LDR	MDR-24	7
LDR	TR	142
LDR	LDR-7	9
MDR-24	LDR-5	13
MDR-24	LDR-5 & TR	2
MDR-24	TR	176
NC	TR	1
TLDR	LDR-5	822
TLDR	LDR-7	18
TLDR	TR	195
Total		9,899

Appropriate Locations for Housing

Public input during the project described locations participants thought were most appropriate for more intense residential development. They included locations near Centers (Downtown, Civic Neighborhood and Rockwood Town Center), MAX stations, corridors with frequent bus service and areas near major roads. To direct more intense development to these locations (and less intense housing to other areas) and encourage more compatible new development, staff recommends the following:

1. **Create transition districts:** Use land-use districts to create gradual increases in housing intensity, including:
 - a. Changing the Development Plan Map to lower housing intensity in areas not near Centers and transit.
 - b. Changing the Development Plan Map to increase housing intensity in selected locations near Centers and transit.
 - c. Providing transitions between intense commercial and residential uses and less intense single-family neighborhoods. The Transition Residential district, which was developed to provide a district that can be used to "step down" from high intensity to low intensity, allows small- to medium-lot single-family detached homes, duplexes on corner lots and medium-to-large townhomes/rowhomes.
2. **Improve transitions:** Require transitions among housing types and intensities by writing code requirements such as those for height transitions, setbacks, buffering, and screening. Although this mostly will be addressed in a future phase of the Residential Districts Review project, a height transition standard specific to Transition Residential is part of these code amendments.

Similar Lot Sizes

Public input included a preference for new single-family development to have similar lot sizes when adjacent to existing single-family neighborhoods. Some also expressed preferences for fewer partitions (lot divisions to create three lots or less) within existing single-family neighborhoods that have large lots. To address the issue of a preference for new development having similar lot sizes adjacent to existing development, staff recommends the following:

1. **Create a new land use district:** Establish Low-Density Residential-7 (LDR-7), with a minimum lot size of 7,000 square feet. (The existing Low-Density Residential (LDR) district has a minimum lot size of 5,000 square feet.)
2. **Apply the new LDR-7 district to existing neighborhoods** where lot sizes already are larger than 7,000 square feet. This will reduce the number of lot divisions in neighborhoods because a property owner would need a lot size of at least 14,000 square feet to divide a lot into two lots.
3. **Apply the new LDR-7 district on developable land** (usually vacant land or farmland) around the edges of some existing neighborhoods with lot sizes greater than 7,000 square feet. This will ensure that new development at the perimeter of these existing neighborhoods has lot sizes that are more similar.
4. **Eliminate the Perimeter Lot Size Compatibility Standard (PLSCS):** The PLSCS was established to ensure more compatible lot sizes adjacent to existing residential neighborhoods. The new LDR-7 standards accomplish that goal, which would make the Perimeter Lot Size Compatibility Standard no longer necessary to promote lot size compatibility. This will involve deletion of Article 6.0212 of the Development Code.
5. **Rename the existing LDR district to LDR-5:** Renaming LDR will help avoid confusion with and keep the nomenclature the same as LDR-7.

Map Amendments

The proposed map amendments were drawn to accomplish the goals of increasing residential compatibility by having more similar lot sizes and directing more intense housing to appropriate locations within the City. The maps were created considering both the broad goals of the RDR project and site-specific considerations such as access, environmental constraints, lot sizes, neighborhood character,

likely suitability for certain housing types, and adjacent uses/housing types. In addition, public input was considered, including information from property owners.

This map amendments section will explain how the districts were drawn using examples from the map changes.

Figure 1 shows TLDR and LDR areas changing to LDR-7, LDR-5 and TR. The LDR-7 was applied to neighborhoods in the Rockwood area that developed at a larger lot size with the aim of increasing lot size compatibility by limiting partitions within the neighborhoods. LDR-5 was applied to the interior of TLDR neighborhoods that had previously developed with a single-family residential character. Either TLDR or TR was used as a transition between these interior neighborhoods and more intense uses along corridors or the Rockwood Town Center. Where possible, the transitions between TR or TLDR and LDR-5 were placed at streets rather than on shared lot lines. This was based on public input regarding the transition. For example, the transition from townhomes to single-family residences was preferred to occur across the street rather than across rear property lines.

Figure 1: Map Changes - A

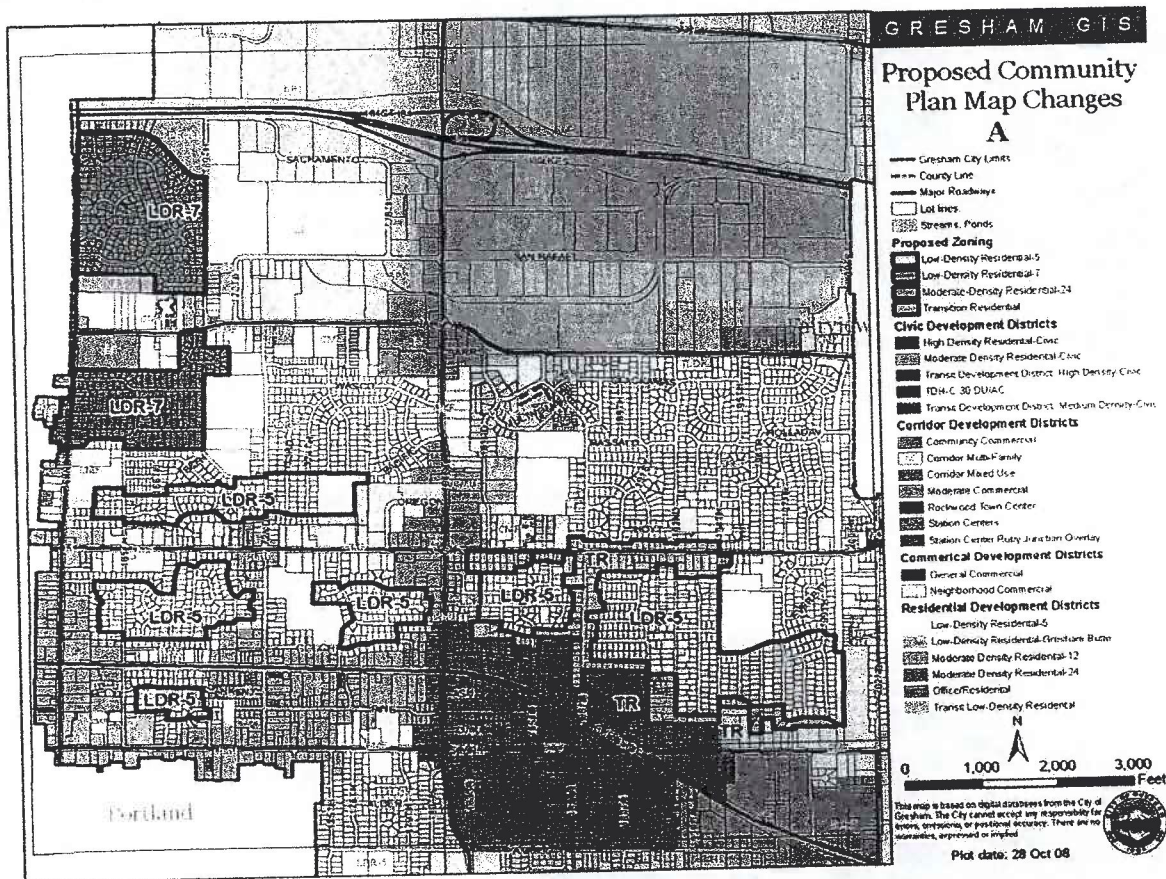


Figure 2 shows an area bounded by Division, Eastman Parkway, Powell and Birdsdale where the LDR-7 district was applied to reflect the larger-lot, historical character of the neighborhood's interior. The TR district was applied in two locations to provide a transition between a more intense districts or streets and the less intense single-family neighborhood. These included a section of TR along Division and one adjacent to a Station Center district, which allows a mix of commercial and residential uses. Figure 2 also shows LDR-5 applied to a tract south of Division just east of Birdsdale to increase its compatibility with the single-family neighborhood that surrounds it. This tract is currently TLDR.

Figure 2: South of Division



Figure 3 shows three TR areas providing a transition between more intense areas (commercial corridors or busy streets) and less intense single-family neighborhoods. The TR districts are clustered around areas that have direct street access to Downtown/Powell Boulevard or Hogan Road.

Figure 3: South of Powell/Downtown

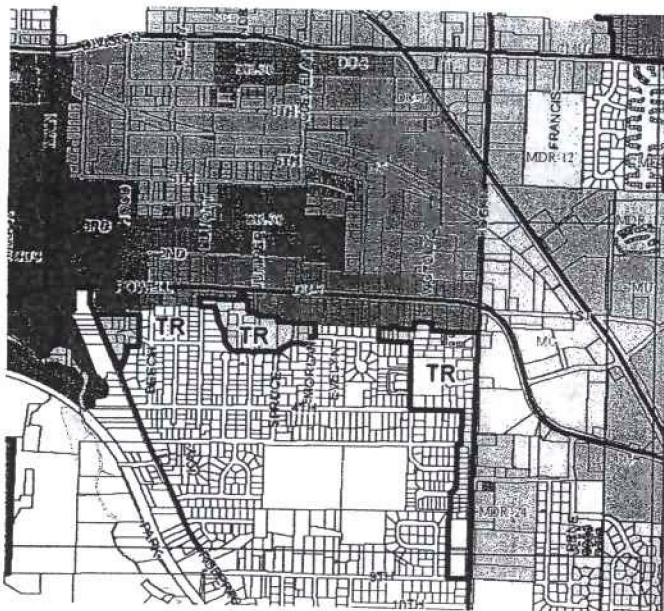


Figure 4 shows MDR-24 and TR applied to former LDR areas along Kane Road. Kane Road has frequent bus service and is scheduled to be widened into a 5-lane cross-section with two travel lanes in each direction and a turn lane. MDR-24 was applied at the northeast corner of Kane and Powell Valley Road because it is a highly accessible intersection that has multi-family development on two other corners. It also has only one adjacent single-family home. (It is adjacent to a middle school.) The TR district is applied to lots with Kane frontage to the north of the MDR-24. It will provide a transition between single-family neighborhoods and multi-family districts or busy streets. A portion of a condominium development at the southeast corner of Kane and First Street was changed from LDR to MDR-24. This puts the entire lot under one land use district (rather than split between MDR-24 and LDR) and makes the existing duplex on the portion of the lot conforming.

Figure 4: Kane Road between Division and Powell Valley

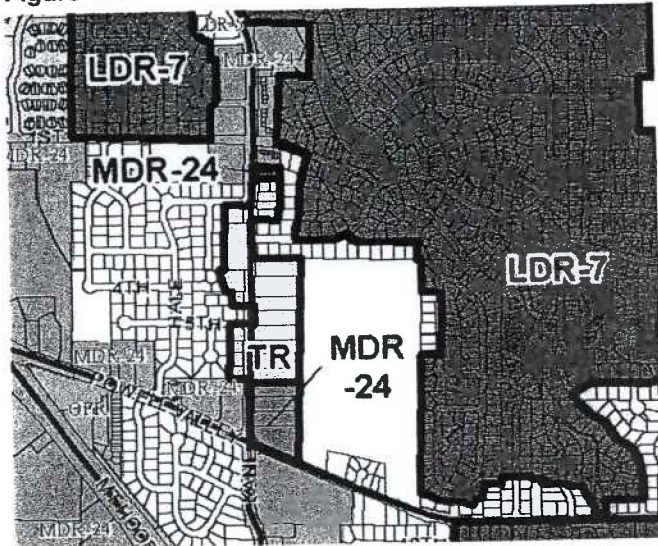


Figure 5 shows areas that are currently in the MDR-24 district that are not near a Center and lack frequent transit service. This was determined to not be an appropriate location for intense housing. The TR and LDR-5 districts were applied in these areas.

Figure 5: 282nd and Lusted

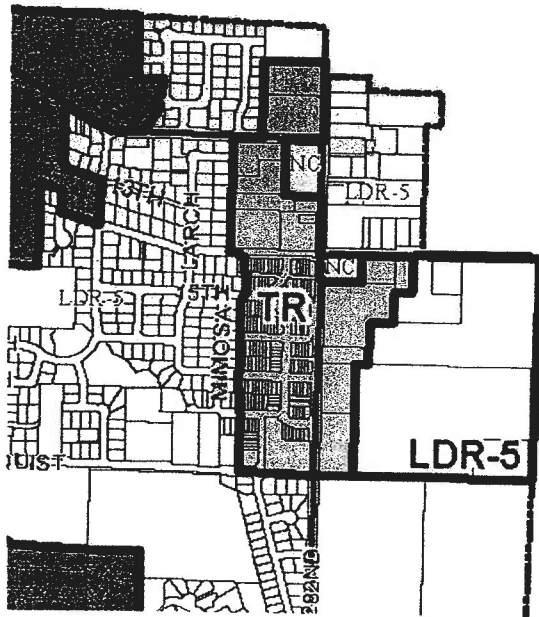


Figure 6 shows TR and LDR-5 applied to areas that were formerly MDR-24. Orient Drive is not near a Center and does not currently have frequent transit service. It is, however, designated as a future arterial street. It also is a major route to the future Springwater area (industrial zoned area to south adjacent to current City boundary), which is planned to have thousands of jobs in the future. Orient will likely have bus service in the future. The map changes applied to Orient reflect these future changes and leave three larger parcels to the south as MDR-24 while changing several smaller, less-rectangular shaped lots to the north to LDR-5. A TR district is shown in between the two.

At the southeast corner of Highway 26 at Hillyard, TR was applied to a large lot currently in the MDR-24 district. The TR was determined to be more compatible with adjacent single-family homes and more flexible to allow development on a site with constraints.

Figure 6: Orient and Highway 26

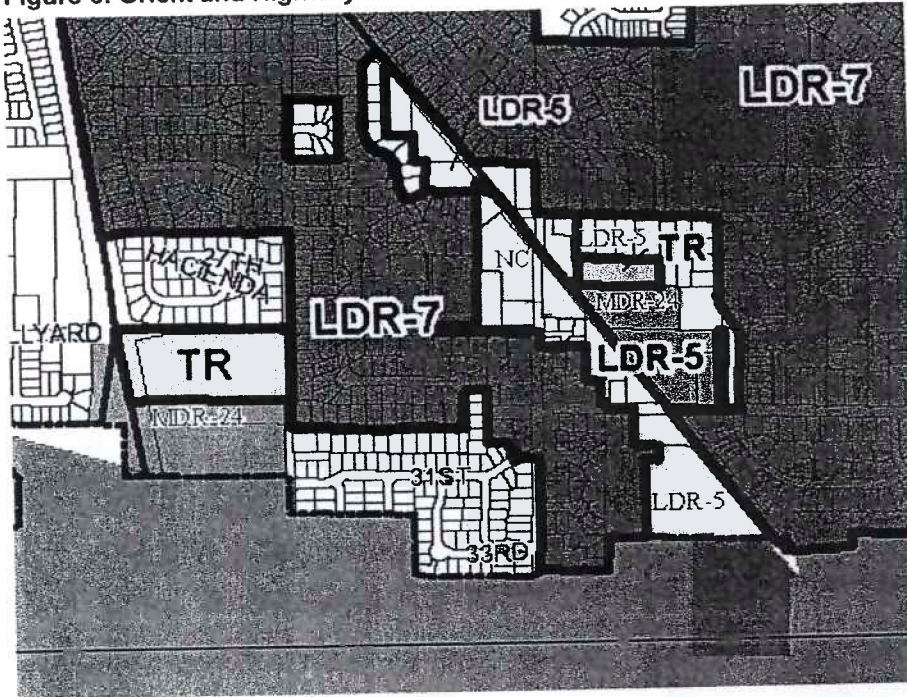
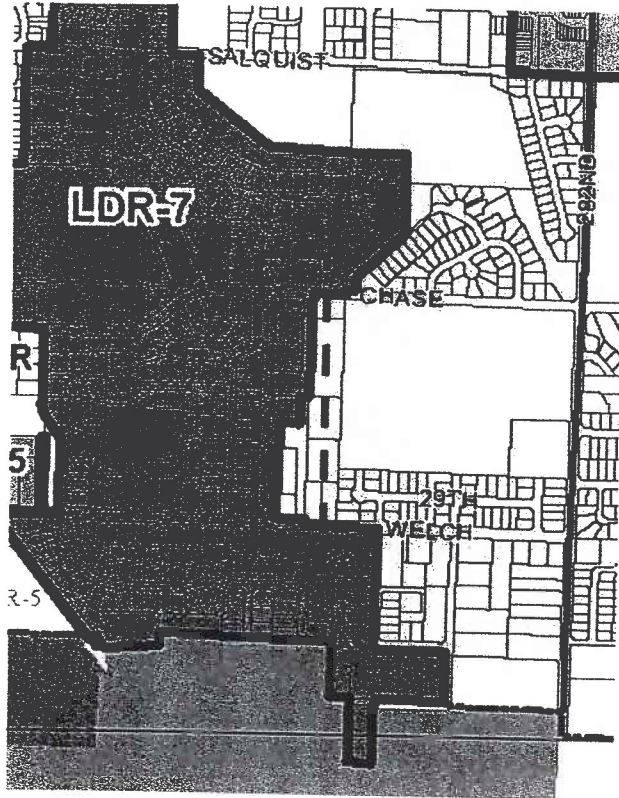


Figure 7 shows an example of how LDR-7 is applied to reduce partitions within larger-lot existing neighborhoods and require more similar lot sizes on adjacent developments. In Figure 7, the new LDR-7 district is applied inside the thick line on the left (and is labeled LDR-7). The areas to the right are designated for LDR-5. The dividable lots inside the LDR-7 within the existing neighborhoods would have to have at least 14,000 square feet to divide and would have to create lots of at least 7,000 square feet. This would reduce partitions within the neighborhood. Figure 7 also shows an example of how LDR-7 requires more similarly sized/compatible lots on the edges of existing neighborhoods. The area inside the dashed-line rectangle shows large developable parcels that must now have minimum lot sizes of 7,000 square feet. The adjacent neighborhood will see more similar lot sizes than the 5,000 square feet allowed in LDR, and the owner/developer of those properties will see a more predictable lot size than would have been provided for under the Perimeter Lot Size Compatibility Standard.

Figure 7: Application of LDR-7



Staff Report Organization

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles and Statewide Planning Goals that apply to the proposal.
- Section V identifies applicable Statewide Planning Goals that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through IV:
 - Subsection A is findings of fact for the Community Development Plan procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the UGMFP Titles.

- Sections VII and VIII summarizes staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.
- Exhibit 'B' is the proposed new Community Development Plan Map.

SECTION II

APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

Section 11.0400	Legislative Actions
Section 11.0205	Type IV Procedure – Legislative
Section 11.0300	Public Deliberations and Hearings

SECTION III

APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.319	Central Rockwood Area
Section 10.319.1	Transit Corridor Plan Area
Section 10.413	Design Standards for Single Family Attached Dwellings
Section 10.600	Housing

SECTION IV

APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 1	Requirements for Housing and Employment Accommodation
Title 7	Affordable Housing
Title 8	Compliance Procedures
Title 12	Protection of Residential Neighborhoods

SECTION V

STATEWIDE PLANNING GOALS

Goal 10	Housing
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SECTION VI

FINDINGS OF FACT

The proposed Community Development Plan amendments attached as Exhibit 'A' and Community Development Plan Map attachment Exhibit 'B' are consistent with all applicable procedures, goals and policies of the Community Development Plan and applicable titles of the Metro Urban Growth Management Functional Plan as indicated in the following findings.

A. Community Development Code Procedures

- 1. Section 11.0400 - Legislative Actions.** This section requires that an amendment to the Community Development Code and the Community Development Plan be a legislative action under the Type IV Procedure pursuant to this section. This section applies to this proposal, as it is an amendment to the Community Development Code and the Community Development Plan.

2. **Section 11.0205 - Type IV Procedure - Legislative.** This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission and Council will make findings for each of the applicable criteria. The section also provides for a hearing process consistent with Section 11.0300. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal. Findings are made for the applicable criteria in this report or as revised in the record.

3. **Section 11.0300 – Public Deliberations and Hearings.** For a Type IV Comprehensive Plan Amendment this section requires that hearings be scheduled, a notice published in a newspaper of general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the Gresham Outlook, as required by this section. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

Additionally, a Measure 56 notice was distributed as part of this Hearing. Measure 56, contained in ORS 227.186, requires that a city send a notice between 40 and 20 days before the first evidentiary hearing to all property owners in land use districts where the proposed change may affect the permissible uses of the property. A Measure 56 notice was sent to all property owners who will see a change in land use district, including property owners in LDR (or LDR-5), LDR-7, TLDR, TR, and MDR-24. The Measure 56 notice was sent on October 17 and Oct. 20, 2008, no sooner than 40 days and no later than 20 days before the first evidentiary hearing.

Although it was not required by ORS 227.186, the City also sent Measure 56 notices to those in the current LDR district most likely to be affected by the deletion of the Perimeter Lot Size Compatibility Standard. Those include property owners with tracts greater than 20,000 square feet and properties adjacent to those larger tracts.

B. Community Development Plan Goals and Policies (Volume II)

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions. The applicable policies are grouped by general categories.

1. General Goals & Policies

Section 10.014 Land Use Policies and Regulations

Section 1. Land Use Policies and Regulations.

Goal: Maintain an up-to-date Comprehensive Plan and implementing regulations as the legislative foundation of Gresham's land use program.

Policy 1: The City's land use program will be consistent with state and regional requirements but also shall serve the best interests of Gresham.

Policy 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.

Policy 4: The City shall promote a development pattern of land uses in the amounts, types and of sufficient economic values to advance the community's quality of life and its social and fiscal stability.

Policy 9: The City shall require new development to address the need for compatibility between itself and adjacent land uses to minimize conflicts between differing uses and building types.

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules and regional requirements.

Policy 21: Council may, upon finding it is in the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Policy 25: Gresham shall adopt measures to ensure the geographic dispersal of special use housing, community services, and multi-family housing to avoid the concentration of these uses and their impacts in specific locales.

Findings

The proposed amendments are part of the Residential Districts Review project, which was requested by the Gresham City Council to provide an update to Gresham's Comprehensive Plan and its residential land use districts. Gresham's Comprehensive Plan has been found in compliance with state and regional requirements, and the proposed amendments also are in compliance with Gresham's code and state and regional requirements, as described in Sections II, III, IV, V and VI of this staff report.

The proposed amendments provide for land use districts that allow a variety of needed housing types, including single-family residential, duplexes, townhomes, and apartments/condominiums. The amendments direct these housing types to the appropriate locations within the City. The appropriate locations were determined through a public input process where input from residents, property owners and elected and appointed officials indicated more intense housing should be directed near Centers, high-capacity transit and major roads. Those providing input said these changes would improve the quality of life in existing and new neighborhoods.

The amendments include provisions that encourage similar lot sizes and a more gradual "stepping down" of density. The Low-Density Residential-7 district, a new district with a minimum lot size of 7,000 square feet, promotes increased compatibility by reducing partitions within neighborhoods and requiring lots along the edges of many neighborhoods to be at least 7,000 square feet, a size that is more compatible with the existing larger-lot neighborhoods to which it is applied. Compatibility also is addressed through map changes that allow a "stepping down" of density between commercial or moderate-density residential districts and single-family residential districts. The new Transition Residential district acts as this "stepping down" in many locations.

Issues related to Residential Districts Review project have been discussed with the City Council on March 18, May 13, July 8, and Oct. 14, 2008. The Council found that it would be in the overall best public interest to initiate the Code Amendment. The Council initiation took place on August 19, 2008.

Conclusions

The proposed amendments provide an update to the City of Gresham's Development Code, which is part of the City's Comprehensive Plan and implements the City's land-use regulations. The updates are consistent with state and regional requirements, as described in the following findings.

Policy 4 is addressed in the proposed amendments by providing land use districts and regulations that allow a variety of housing types in the appropriate locations for each of those housing types, which include single-family residential, duplexes, townhomes, apartments and condominiums.

Policy 9 is addressed in the proposal amendments by encouraging similar lot sizes and more gradual changes in density.

Policy 20: The amendments address this policy by providing code and map changes that are responsive to community needs because they were developed to address the need for additional housing and developed with an extensive public outreach effort. The public and elected and appointment officials also were provided with research and analysis concerning residential issues at the beginning of the project,

were consulted about alternative approaches to addressing those issues, and were able to review and comment on the preferred approaches and draft code and map changes.

Policy 21 is addressed because the City Council initiated these amendments.

Policy 25 is met by the amendments retaining or providing new opportunities for special-use housing, community services, and multi-family housing in many locations throughout the City, including Downtown, Civic Neighborhood, Rockwood Town Center and along major roads and transit corridors.

The proposal is consistent with the applicable general goals and policies listed in this section.

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

Goal: The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

Policy 1: The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.

Policy 5: The City shall keep citizens informed of issues confronting the City.

Policy 6: The City shall ensure that technical information necessary to make policy decisions is readily available.

Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted decisions.

Policy 10: The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

Policy 11: The City shall ensure that the public has complete and timely access to all public information concerning land use projects and issues. This includes private development proposals once they are in the formal application process..

Findings

The public involvement goals and policies establish the City's intent that its citizens have meaningful opportunities throughout a planning project to be informed and to affect proposals.

The issues that have led to the proposed code amendments were identified during the Community Land Use Task Force in 2004-05, during project scoping in December 2007 and January 2008, and during public outreach in March and April of 2008. Since that time, City staff has led a robust public outreach campaign to share information with stakeholders and other interested parties:

- Staff distributed information on the project at the Farmers' Market on May 31, 2008.
- Public workshops were held on the following dates to review the issues, discuss alternatives, or solicit feedback on the proposed map and code amendments: March 25, April 2, April 3, June 10, June 19, Sept. 10, Oct. 8, Oct. 9, Oct. 20, and Oct. 21.
- City staff met with the Neighborhood Coalition Oct. 14.
- Two advertisements regarding the map and code changes were published in The Gresham Outlook on Oct. 4 and Oct. 8.
- City staff prepared public input summaries on two occasions and delivered them to participants on an "interested parties" list.

- City staff met with neighborhood associations on Sept. 29 and Oct. 22 (in addition to workshops held in conjunction with neighborhood association meetings).
- Information was mailed to 5,500 property owners most likely to be affected in mid-August. Responses from that mailing and the following Sept. 10 workshops led to changes in the map and code proposals.
- Information on the project has been made available at other Comprehensive Planning workshops.
- The Ask Gresham e-mail tool has been used to alert interested parties when new materials are available on the website and when upcoming meetings will occur.
- Project information has been available on the City's Web site and the Urban Design & Planning office.
- Articles on the project have been published in the Neighborhood Connections newsletter, Gresham newsletter and the Council Connections.

A Measure 56 notice was sent on the proposed code amendments on Oct. 17 and Oct. 20. As of October 27, 2008, 15 people had contacted the city to learn more about the proposal and how it may affect them, in addition to members of the public who asked questions at community forums.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on Feb. 11, April 14, May 19, June 23, and Sept. 22.

The proposal is consistent with the applicable goals and policies listed in this section.

Conclusion

Policy 1 is addressed through the on-going effort to gain input from stakeholders and the public on the Residential Districts Review. This includes workshops, mailings, e-mails, presentations at the Planning Commission and City Council and other outreach efforts.

The *Citizen Involvement Goal (10.100)* is met by the combination of workshops, mailings and meetings as well as providing information on the proposal on the City website.

The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

3. Central Rockwood Area (10.319)

Central Rockwood Land Use Policy: The city will permit and encourage land use types and intensities of use which accommodate forecast growth, support creation of a pedestrian-friendly, transit-oriented live/work district, and are otherwise consistent with the Gresham 2020 Vision and the Metro Region 2040 Functional Plan.

Findings

In the Rockwood area, the proposed amendments call for the interior of single-family neighborhoods in the Rockwood area to be changed from Transit Low-Density Residential to Low-Density Residential-5 while allowing TLDR or Transition Residential between the single-family neighborhoods and more intense uses along transit corridors or in the Rockwood Town Center. The amendment's map changes also do not affect the corridor development districts in Rockwood.

Conclusion

By preserving existing single-family neighborhoods and allowing more intense uses near transit and the Rockwood Town Center, the amendments are consistent with the Central Rockwood Land Use Policy of allowing land-use types and intensities that accommodate growth and are consistent with Gresham 2020 and Metro 2040.

The proposal is consistent with the applicable policies listed in this section.

4. Transit Corridor Plan Area (10.319.1)

Policy 1: The city will permit and encourage land use types and intensities of use which support creation of transit supportive development along the city's transit streets, accommodate forecast growth and are otherwise consistent with the urban growth management functional plan and the 2040 growth concept map.

Policy 2: The city will seek to create a mix of complementary land uses within easy walking distance of mixed use districts and neighborhoods along the city's transit streets.

Findings

The map amendments retain the highest density and allow the greatest variety of housing types near the City's Regional Center and Town Center and near train stations and corridors with frequent bus service. This is consistent with provisions in both the Functional Plan and the 2040 growth concept and provides a complementary mix of land uses near Centers and transit.

The Metro Urban Growth Management Function Plan's Title 12: Protection of Residential Neighborhoods includes provisions to reduce noise and allow lower densities in single-family residential neighborhoods. The proposed amendments help to preserve and protect neighborhoods by reducing density for existing neighborhoods not adjacent to transit corridors, MAX station areas and in Rockwood Town Center. They also in many locations provide for a more orderly "stepping down" of density between more intense areas (such as those with multi-family residential or commercial development) and less intense single-family residential neighborhoods. In addition, the amendments encourage similar lot sizes by requiring larger lot sizes adjacent to and within existing larger-lot single-family neighborhoods

Conclusions

Policy 1 is met because the map amendments allow the most density near transit and Centers and scale down the density farther away from those areas. It also is met because the map amendments preserve the character of residential neighborhoods by more closely matching their existing density and reducing noise.

Policy 2 is addressed through providing for a "stepping down" of density from more intense to less intense, which creates a pattern of more complementary land uses and intensities within the City. The more dense residential development is near Centers and transit, which allows more people to live within easy walking distance of mixed-use districts and transit.

The proposal is consistent with the applicable policies listed in this section.

5. Design Standards for Single Family Attached Dwellings

Policy 2: Single family attached dwellings should fit into the context of existing neighborhoods, especially in terms of scale and existing land use patterns; especially important is to create residential neighborhoods with multi-modal transportation connections and opportunities for social interaction.

Policy 4: New single family attached dwellings should minimize shadow, blocked views and the potential for "overlook" onto or from adjacent properties, especially existing neighborhoods.

Findings

In the new Transition Residential (TR) District, height transition standards are included that limit townhomes adjacent to LDR-5 and LDR-7 to 25 feet in height along a side yard. For example, the end unit of a row of 3-story townhomes would have to be 2 stories, which will more likely match the scale of adjacent single-family dwellings. The shorter end building will cast shorter shadows and block fewer views. Existing height transitions standards in the Development Code will govern the rear yard situation.

Conclusions

Policy 1 and 2 are addressed through the height transition standards in the amendments and other provisions in the existing Development Code.

The proposal is consistent with the applicable policies listed in this section.

6. Housing

Policy 1: The City shall protect and enhance the quality and integrity of its residential neighborhoods.

Policy 2: The City shall designate adequate lands, and make available land use processes to provide opportunities to develop a variety of housing types in locations and at densities consistent with its goals.

Policy 3: The City shall encourage housing development opportunities by promoting the development of quality, low-density single-family residential development.

Policy 6: The City shall provide for high and medium density housing in areas such as Centers and Corridors, where public and private services and economic activity necessary to support higher population densities, are either present or planned for in the future. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment, and recreation.

Policy 7: The City shall seek to disperse high-density housing by focusing on areas where services, jobs and transportation facilities are present or planned to support high population densities, with an emphasis on new centers.

Policy 8: The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions, including existing land use patterns, topography, transportation and public facilities, natural hazards and natural resources.

Policy 9: The City shall require measures to mitigate adverse impacts from differing adjacent land uses (noise, traffic, visual aesthetics and glare from outdoor lighting, etc.) on residents of new residential development. The City shall require measures to mitigate negative impacts of more intense residential projects on less dense neighborhoods and established residential development through means such as:

- a. Orderly transitions from one residential density to another such as lot-size compatibility standards,*
- b. Protection of existing vegetation and natural resources, provision of open space, and*
- c. Installation of effective buffering and screening.*

14. *The City's land use program shall be consistent with applicable state and federal laws pertaining to housing.*

Findings

The amendments preserve many existing larger-lot neighborhoods by applying a land-use district with a minimum lot size that more closely matches that of the existing lots. The LDR-7 district, for example, was drawn to limit partitions within the neighborhood and ensure new lots along the perimeter of the neighborhood are more similar in size. In addition, single-family residential neighborhoods in the Rockwood area were changed from Transit Low Density Residential, which allows townhomes, to Low Density Residential-5, which mostly allows single-family dwellings and does not allow townhomes. The amendments and existing Community Development Plan Map provide for opportunities for new low-density residential neighborhoods.

The amendments will result in a Community Development Plan Map that allows single-family homes, duplexes, townhomes, apartments, condominiums, manufactured homes, floating homes, group homes, and community service uses, among other uses. The new TR District, for example, will provide one district with a mix of single-family, duplexes and townhomes.

With the amendments, the highest densities will remain near Centers and transit corridors. The amendments also include some lands that were designated Low Density Residential and now have higher densities. In allowing more density near Centers and transit, the amendments and the City's Community Development Plan Map take into consideration such factors as transportation, public facilities, and natural features. Because transit corridors and Centers are found in many locations throughout the City, the locations appropriate for more density are geographically dispersed.

The amendments provide lot size compatibility mostly through the LDR-7 District, which was designated on and around existing residential neighborhoods with larger lot sizes (lots of 7,000 to 10,000 square feet, for example). This limits partitions within the neighborhood by requiring a larger lot before a lot division is allowed. It also requires that new lots on the edges of neighborhoods are at least 7,000 square feet, which is more similar to the larger lots than the 5,000 square feet previously allowed in the Low Density Residential District.

In the new Transition Residential (TR) District, height transition standards are included that limit townhomes adjacent to LDR-5 and LDR-7 to 25 feet in height along a side yard. Existing height transitions standards in the Development Code will govern the rear yard situation. The existing Development Code also includes buffering requirements and other standards that mitigate adverse impacts.

The City's land-use policies have been found to be consistent with state and federal laws pertaining to housing.

Conclusions

Policy 1 is addressed through establishing the LDR-7 district for larger-lot neighborhoods and the changing of some Rockwood neighborhoods from Transit Low Density Residential to Low Density Residential. The quality of neighborhoods also is addressed through many standards in the amendments and existing Development Code.

Policy 2 and 3 are addressed through the variety of land use districts in the amendments and the existing Development Code, including several low-density residential districts in areas where vacant, developable land exists.

Policy 6 and 7 are met through the amendments retaining or adding density near Centers and transit and lowering density in areas not near Centers and transit and by the fact that those areas are geographically dispersed.

Policy 8 is addressed because the amendments took into consideration many locational factors, including but not limited to transportation, access to commercial uses, and land use patterns.

Policy 9 is addressed because the existing Code provides numerous standards to mitigate potential negative impacts of new development and the new TR district provides a height transition standard.

Policy 14 is met because the City has been found in compliance in the past and the amendments remain consistent with state and federal regulations.

The proposal is consistent with the applicable policies listed in this section.

C. Metro Urban Growth Management Functional Plan

Title 1 Requirements for Housing and Employment Accommodation

Findings

Title 1 requires Gresham to determine its housing capacity and provide that housing capacity. Title 1 calls for Gresham to have the capacity to add 20,020 units between 1994 and 2017.

Gresham conducted a Housing Capacity Analysis Update that was completed in January 2008. The City delivered the analysis to Metro in April 2008. The HCAU found that Gresham had the capacity to add 17,741 units within the City's 1994 boundary and 3,203 units in the Pleasant Valley area, for a total of 20,944. This exceeded the 20,020 housing capacity target found in Title 1 by 924 units.

The HCAU found that Gresham remained in compliance with Title 1.

In October 2008, Gresham conducted an analysis to estimate the potential loss of housing capacity that could result from the map and code amendments. Using a similar methodology as the HCAU¹, staff found that the City's housing capacity would drop by about 600 units. Because the City exceeded Title 1 housing capacity target by 924 units, the City remains above the 20,020 target and in compliance with the requirement.

In addition, the City may see a slightly increased number of units per acre actually constructed in its LDR-5 and LDR-7 Districts because of the deletion of the Perimeter Lot Size Compatibility Standard, which in many locations required larger lots on the perimeter of subdividable tracts.

Gresham is currently conducting a Downtown Plan update and plans to review its corridor districts, both of which could lead to increased density in areas near Centers, MAX stations, and transit corridors and add to the City's housing capacity.

Conclusion

Gresham remains in compliance with Title 1 and will provide additional capacity as part of its Downtown Plan process to update the Development Code for Downtown Gresham and as part of its study of transit corridors.

The proposal is consistent with Title 1.

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submits the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of the compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to Metro on September 25, 2008, which was at least 45 days prior to the first evidentiary hearing of Nov. 10, 2008. Metro has requested a copy of this staff report.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing. The City has supplied a copy of this staff report to Metro.

The proposal is consistent with Title 8.

Title 12 Protection of Residential Neighborhoods

Findings

Title 12 is intended to protect the region's residential neighborhoods, such as from air and water pollution, noise, and crime and to provide adequate levels of public services. It includes Code Section 3.07.1220,

¹ The October 2008 analysis overstates the potential reduction in housing capacity because areas with greater than 15% slope were left out when calculating potential units on properties where zoning is proposed to be changed.

which prohibits Metro from requiring Gresham to increase density in existing residential neighborhoods designed as Inner or Outer Neighborhoods in the Metro 2040 Growth Concept.

Gresham made extensive changes to its Community Development Plan Map and land use district standards in the mid-1990s to provide early implementation of the Functional Plan. This included applying land use districts to neighborhoods already in existence at that time. Low Density Residential, which has a minimum lot size of 5,000 square feet, was applied to neighborhoods that developed with larger lots, including lots that were larger than 10,000 square feet. In addition, the Transit Low Density Residential District, which has no minimum lot size and a density range of 12 to 20 units per acre, was applied to existing neighborhoods with larger single-family home lots, including many from 7,000 square feet to 12,000 square feet. This allowed infill development inside these already existing neighborhoods that did not match the character of the neighborhoods.

The amendments allow Gresham to direct new housing units to new neighborhoods while providing protection for its existing residential neighborhoods. Many larger-lot neighborhoods will have the new LDR-7 designation with a minimum lot size of 7,000 square feet. Other former TLDR neighborhoods will have a LDR-5 designation with a minimum lot size of 5,000 square feet. In general, the amendments will apply land use districts that more closely match the character and lot sizes of those existing neighborhoods.

Conclusion

The proposal is consistent with Title 12, refining Gresham's early implementation of the Functional Plan and incorporating the intent of Title 12.

STATEWIDE PLANNING GOALS

Findings

Statewide Planning Goal 2 requires that cities provide for the housing needs of citizens by planning for the "availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

The amendments provide opportunities for single-family homes, duplexes, townhomes, apartments and condominiums, as does the Gresham Development Code as a whole. These different types of housing are geographically dispersed in various parts of the City, and the Development Code and the proposed amendments do not prevent housing from being constructed at a variety of price ranges and rent levels.

Oregon Administrative Rule 660-007-0030: New Construction Mix requires that the City "provide the opportunity for at least 50 percent of new residential units to be attached single-family housing or multiple-family housing." The City conducted a Housing Capacity Analysis Update that was completed in January 2008. It found that the City provided an opportunity for approximately 53.5 percent of its new residential units on vacant or partially vacant land to be attached single-family or multi-family housing. The proposed amendments would reduce Gresham's housing capacity by about 600 and reduce potential attached or multi-family units by approximately 325. This would result in Gresham having the opportunity for approximately 53.5 percent of its new residential units to be attached or multi-family units, which is still above the 50 percent requirement.² The percentage remains the same, 53.5, even though the number of potential attached or multi-family units falls because the number of total potential units also falls.

² These numbers do not include the Pleasant Valley area, which has within its plan an opportunity for 50 percent attached or multi-family housing

Oregon Administrative Rule 660-007-0045: Minimum Residential Density Allocation for New Construction requires that the City "provide for an overall density of ten or more dwelling units per net buildable acre." Even with the proposed amendments, the City exceeds this figure, with an overall potential density of nearly 20 units per net buildable acre. The densities allowed in the City's Regional and Town Center and corridor districts provide the additional potential density that allows the City to exceed the 10 units per acre requirements.

Oregon Administrative Rule 660-007-0045: Computation of Buildable Lands describes the methods by which cities should calculate buildable lands and its housing mix and density. The City of Gresham has undergone a detailed study of its buildable land inventory and its potential density. The Housing Capacity Analysis Update, completed in January 2008, was delivered to Metro in April 2008. Metro, which is the local coordinating body described in OAR 660-008-0030 that is responsible for considering effects on housing of local regulations, accepted the analysis without written comment, but the City received verbal approval of its methodology from Metro staff.

Conclusion

The proposed amendments comply with Statewide Planning Goal 2 and applicable Oregon Administrative Rules.

SECTION VII

CONCLUSION

The proposed comprehensive plan amendments attached as Exhibit 'A' and map amendments attached as Exhibit 'B' are consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; Applicable Metro UGMFP code, and Statewide Planning Goals as indicated by findings contained or referenced in Section VI of this report.

SECTION VIII

RECOMMENDATION

Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit 'A'.

End of Staff Report

GRESHAM CITY COUNCIL
AGENDA ITEM TYPE: DECISION



**Development Code Amendments:
Residential Districts Review project**

Meeting Date: Dec. 16, 2008
Service Area: Urban Design & Planning

Agenda Item Number: D-1
Service Area Manager: Mike Abbate

REQUESTED COUNCIL ACTION

Move to approve City Application No. CPA 08-293 based on the findings, conclusions and recommendations of the Planning Commission Recommendation Order and staff report with the changes recommended by staff in Attachment F; and approve the first reading of Council Bill 12-08.

PUBLIC PURPOSE AND COMMUNITY OUTCOME

The purpose of the Residential Districts Review project, which is on the 2008 Council Work Plan, is to evaluate whether the City's residential district map and Development Code regulations are encouraging high-quality neighborhoods. It aims to ensure that:

- Residential lands are developed in a way that meets the community's vision and the City's goals.
 - More intense residential development (such as apartments and condominiums) is located in areas with adjacent facilities and services.
 - Gresham's Development Plan better integrates more intense development into the community and provides appropriate transitions between different uses and intensities.
 - Sustainable development principles are incorporated where feasible.
-

BACKGROUND

This is a public hearing to amend Volume 2 and Volume 3 of the Community Development Plan relating to the Residential Districts Review project, including provisions that will:

- Create two new land use districts: Low-Density Residential-7 (LDR-7), which has a minimum lot size of 7,000 square feet, and Transition Residential (TR), which allows a mix of single-family residential, duplexes on corner lots, and townhomes and is intended as a transition between more intense uses and less intense uses.
- Rename Low-Density Residential to Low-Density Residential-5 (LDR-5) to ensure clear, consistent nomenclature.
- Eliminate the Perimeter Lot Size Compatibility Standard (Article 6.0212 in the Development Code). The standard now requires perimeter lots in some new developments to be similar to adjacent existing lots. This provision would be eliminated because similar lots are achieved through the application of the LDR-7 district.

- Provide other minor text changes to improve or clarify the code as it related to standards for the residential districts.

The uses and densities allowed in the districts are shown in Table 1, with standards from other residential land-use districts provided for comparison purposes.

Table 1: Land Use Districts - Uses and Densities

District	Permitted Uses				Minimum Lot Size (square feet)	Density Minimum to maximum (units per acre)
	Single-family detached homes	Two-unit attached (duplexes)	Single-family attached (townhomes)	Multi-family (apartments and condos)		
Low-Density Residential-5	Yes	Limited (already approved)	No	No	5,000	6.2 to 8.7
Low-Density Residential-7	Yes	Limited (already approved)	No	No	7,000	4.4 to 6.2
Transit Low-Density Residential	Yes	Yes	Yes	No	None	10 to 20
Transition Residential	Yes	Limited (only on corner lots)	Yes	No	Homes: 4,000 Townhomes: 2,400	6.2 to 18.1 or 6.2 to 14.5 (depending on site size)*
Moderate-Density Residential-24	No	Yes	Yes	Yes	3,600	12.1 to 24.2

* Maximum density: 18.1 units per acre for sites less than 1.5 acres; 14.5 units per acre for sites equal to or greater than 1.5 acres

The amendments include Development Plan Map alterations that change land-use districts applied to about 9,900 properties in Gresham. The proposed map amendments were drawn to accomplish the goals of increasing residential compatibility by having more similar lot sizes and directing more intense housing to appropriate locations within the City. The map changes are shown in Attachment B.

The maps were created considering both the broad goals of the RDR project and site-specific considerations such as access, environmental constraints, lot sizes, neighborhood character, likely suitability for certain housing types, and adjacent uses/housing types. In addition, public input was considered, including information from residents, neighborhood association leaders, and property owners.

The Council initiated the amendment process on Aug. 19, 2008. The initiation action followed a series of Council discussions on the project. The Planning Commission held a public hearing on the proposal on Nov. 10, 2008.

After receiving written testimony and hearing public input, the Planning Commission requested that staff evaluate some alternations to the proposed map and code changes and make recommendations to the City Council.

Attachment F

In Attachment F, staff recommends the City Council incorporate changes to the Development Code amendments under consideration in CPA 08-293 and Council Bill 12-08. The recommended changes are:

1A: Northwest Neighborhood: Change a 40-lot section of the Northwest Neighborhood to LDR-7 from LDR. This would remove a "hole" from the proposed LDR-7 district.

1B: Honors Drive Lots: Change four lots along Honors Drive to LDR-7 from LDR to make them match their neighbors and ensure future development on those lots is more similar.

2A: Minimum Lot Dimensions Table: Provide additional insertions beyond what was included in the Planning Commission recommendation to ensure all the residential land use districts have clear lot dimension standards for all housing types.

2B: Large Lot Subdivision Option: Change the standards to remove contradictory or confusing language and make the standards for LDR-5 and LDR-7 identical.

Attachment G

In Attachment G, staff describes requested changes that are not recommended to be incorporated into the Development Code amendments.

1A: 2022 NW Division: Change a lot to LDR-7 from TLDR rather than to LDR-5 from TLDR.

1B: TR along Division: Remove proposed change to TR from LDR for lots along Division.

1C: 5321 SE Welch Road: Change lot to LDR-7 from LDR.

1D: MDR-24 along Orient Drive: Change three lots to TR from MDR-24.

RECOMMENDATION AND ALTERNATIVES

Recommendation:

Staff recommends that the City Council adopt Council Bill 12-08, with the changes recommended by staff in Attachment F.

Alternatives:

The alternatives to the staff recommendation are to:

- Adopt the staff recommendation with deletions, additions or modifications to any provision of the proposal.
- Refer some or all of the proposal to the Planning Commission for consideration. This would result in a delay in enacting some or all of the RDR map and code changes.
- Reverse the recommendations of the Planning Commission and staff and reject the amendments. This would preserve the City's current map and code but would not address appropriate locations for residential intensity and similar lot sizes.

BUDGET / FINANCIAL IMPACT

The costs associated with completing this project are funded in the FY08/09 budget.

PUBLIC INVOLVEMENT

City staff has led a robust public outreach campaign to share information with stakeholders and other interested parties:

- Staff distributed information on the project at the Farmers' Market on May 31, 2008.
- Public workshops were held on the following dates to review the issues, discuss alternatives, or solicit feedback on the proposed map and code amendments: March 25, April 2, April 3, June 10, June 19, Sept. 10, Oct. 8, Oct. 9, Oct. 20, and Oct. 21.
- City staff met with the Neighborhood Coalition Oct. 14.
- Two advertisements regarding the map and code changes were published in The Gresham Outlook on Oct. 4 and Oct. 8.
- City staff prepared public input summaries on two occasions and delivered them to participants on an "interested parties" list.
- City staff met with neighborhood associations on Sept. 29 and Oct. 22 (in addition to workshops held in conjunction with neighborhood association meetings).
- Information was mailed to 5,500 property owners most likely to be affected in mid-August. Responses from that mailing and the following Sept. 10 workshops led to changes in the map and code proposals.
- Information has been made available at other Comprehensive Planning workshops.
- The Ask Gresham e-mail tool has been used to alert interested parties when new materials are available on the website and when upcoming meetings will occur.
- Project information has been available on the City's Web site and the Urban Design & Planning office.
- Articles on the project have been published in the Neighborhood Connections newsletter, Gresham newsletter and the Council Connections.
- A Measure 56 notice was sent regarding the amendments on Oct. 17 and Oct. 20.
- Planning Commission work sessions have been held throughout this process. The Commission discussed the project on Feb. 11, April 14, May 19, June 23, and Sept. 22 (as well as at the Nov. 10 hearing).

NEXT STEPS

The second reading of this Council Bill is tentatively scheduled for Jan. 20, 2009, with an effective date of Feb. 19, 2009.

ATTACHMENTS

- A. Council Bill 12-08
- B. Proposed Community Plan Map Changes
- C. Planning Commission Recommendation Order and staff report and exhibits (Nov. 10)
- D. Planning Commission hearing exhibits
- E. Planning Commission minutes from Nov. 10, 2008
- F. Staff Recommended Changes
- G. Not Recommended by Staff

FROM:

Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, Comprehensive Planning Manager
Brian Martin, Associate Planner

REVIEWED THROUGH:

Rick Faus, City Attorney's Office
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www.tinyurl.com/GreshamCode

ATTACHMENT F: STAFF RECOMMENDED CHANGES

Meeting Date: December 16, 2008

Application No. CPA 08-293

I. MAP CHANGES

Several map changes were suggested during public comments. Planning Commissioners suggested staff evaluate the comments and make recommendations to the City Council.

A. Northwest Neighborhood Association – LDR-7

A Northwest Neighborhood resident suggested additional changes to the map amendments. Her comments are described in the Planning Commission minutes.

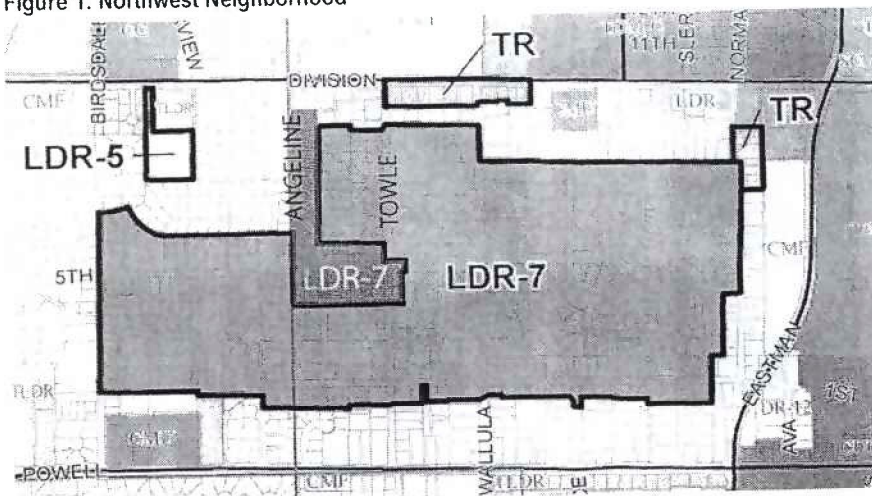
COMMENT FROM PLANNING COMMISSION HEARING:

Testimony from Elizabeth McCallum:

“Ms. McCallum stated the greatest concern is that there are a lot of established older homes in the NW neighborhood especially north of Powell and south of Division between Battaglia and Eastman Parkway. She thinks it is a step in the right direction to rezone them to LDR-7. She feels more of the lots in that area be changed also.”

Staff recommends one change to the proposed map amendments. The area in gray labeled with a white LDR-7 in Figure 1 would eliminate the “doughnut hole” appearance of the LDR-7 area on this map. It also would apply LDR-7 to the narrow lots on the east side of Angeline, which would eliminate potential flag-lot partitions on the east side of the street and keep those lots more compatible with the adjacent lots to the east. Most of the homes are situated on those lots in a way that would make flag-lot partitions difficult unless the home were removed.

Figure 1: Northwest Neighborhood



State ID numbers of the lots affected by the change: 1S3E09BA 5000, 1S3E09BA 5100, 1S3E09BA 5200, 1S3E09BA 5300, 1S3E09BA 5400, 1S3E09BA 5500, 1S3E09BA 5600, 1S3E09BA 5700, 1S3E09BA 5800, 1S3E09BA 5900, 1S3E09BA 9600, 1S3E09BA 9700, 1S3E09BA 9800, 1S3E09BA 9901, 1S3E09BA 9902, 1S3E09BA 10000, 1S3E09BA 10100, 1S3E09BA 10200, 1S3E09BA 10300, 1S3E09BA 10400, 1S3E09BA 10500, 1S3E09BA 10600, 1S3E09BA 10700, 1S3E09BA 10800, 1S3E09BA 10900, 1S3E09BA 11000, 1S3E09BA 11100, 1S3E09BA 11200, 1S3E09BD 4300, 1S3E09BD 4400, 1S3E09BD 4500, 1S3E09BD 4600, 1S3E09BD 4700, 1S3E09BD 4800, 1S3E09BD 4900, 1S3E09BD 5000, 1S3E09BD 5100, 1S3E09BD 5200, 1S3E09BD 5300, 1S3E09BD 5400

Staff believes map for the rest of the area bordered by Battaglia, Division, Eastman Parkway, and Powell are appropriate. Many locations in this area were left as LDR-5 for one or more of the following reasons:

- Several lots in those areas were of a smaller character – 5,000 square feet to 6,999 square feet. Additional lots of that character would fit in with what is already found there.
- The lots are closest to frequent bus service on Division, Powell or Eastman Parkway and are appropriate places to accommodate additional residents.
- Many lots in the remaining LDR-5 areas are 7,000 square feet to 9,999 square feet and could not divide under LDR-5.

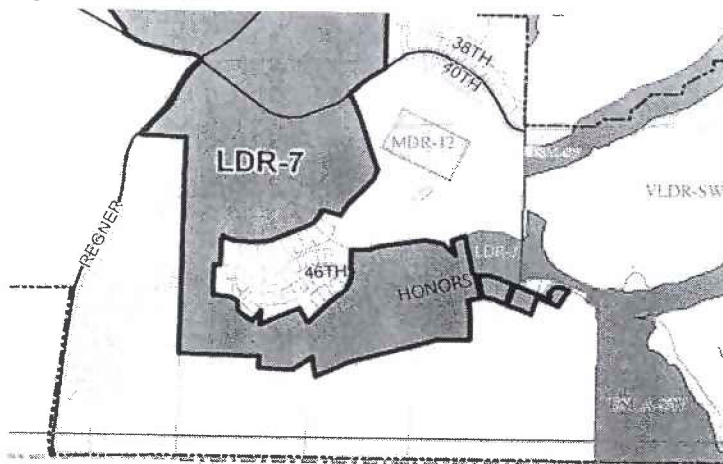
B. HONORS DRIVE LOTS

COMMENT FROM PLANNING COMMISSION HEARING:

“Commissioner (Richard) Anderson said he has a question on Map F. Down at the lower center of the map it appears there are four or five big lots that didn’t get put into LDR-7.”

Staff recommends changing four large lots on the north side of Honors Drive to LDR-7 from LDR, as shown in Figure 2.

Figure 2: Honors Drive



State ID numbers of the lots affected by the change: 1S3E22CA 1400, 1S3E22CA 1500, 1S3E22CA 1600, 1S3E22CA 1700

II. CODE CHANGES

A. MINIMUM LOT DIMENSIONS TABLE

Neighborhood Association official Carol Ruilla noted in written comments (found in the Planning Commission hearing exhibits) that changes to Table 4.0130(D) were made to certain land-use districts but not to others.

Staff recommends the changes shown below to provide additional insertions beyond what was included in the Planning Commission recommendation. (The double-underlined text below would be in addition to the doubled-underlined changes shown in the Council Bill.) These changes are intended to make the distinctions more clear regarding lot dimensions for different housing types within the land use districts. The lot dimensions generally correspond to the lot size and density requirements in previous rows in the table.

Table 4.0130: Development Requirements For Residential Land Use Districts, continued

	LDR-5 ^{1,2}	LDR-7 ^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR
(D) Minimum Lot Dimensions	Single Family Detached :(1a) 35 feet (1b) 40 feet feet (2a) 70 feet (2b) 70 feet	Single Family Detached (1a) 40 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet	None, except single-family attached shall be as per MDR-24 single-family attached	Single Family Detached and Two-unit Attached: (1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet; <u>Single Family Attached:</u> <u>(1)(a) 16 feet</u> <u>feet</u> <u>(b) Corner lot⁸</u>	<u>All uses except Single-family and Two-unit Attached:</u> (1a) 65 feet (1b) 70 feet (2a) 90 feet (2b) 100 feet. Single Family Attached Dwelling and Two-unit Attached: (1)(a) 16 feet ⁷ (b) Corner lot ⁸	All uses except Single-family and Two-unit Attached: (1)(a) 60 feet (b) 70 feet (2) 100 feet Single Family Attached Dwelling and Two-unit Attached: (1)(a) 16 feet ⁷ (b) Corner lot ⁸ (2) 0 feet	(1a) 60 feet (1b) 70 feet (2) 100 feet
(1) Width at building line							
(a) Interior lot							
(b) Corner lot							
(2) Depth							
(a) Interior lot							
(b) Corner lot							

B. Large Lot Subdivision Option

Neighborhood Association official Carol Rulla noted that the new standards for large lot subdivisions in LDR-7 were contradictory and unclear.

Staff recommends the changes shown below to make the standards for LDR-5 and LDR-7 identical. The intention of the code is to provide a large lot option, and providing for an average lot size of 8,000 square feet to 14,000 square feet is valid for both LDR-5 and LDR-7 because it allows applicants to create larger lots than normally allowed in those two districts.

4.0140 Large Lot Subdivision Option for LDR-5 and LDR-7.

- (A) ~~LDR-5~~: This subsection is intended to provide for a greater range of housing choices in the city by making available as an option to property owners/applicants the opportunity to create a subdivision that has an average lot size within the 8,000 sq. ft. to 14,000 sq. ft. range in LDR-5 or LDR-7. Large lot subdivisions are not required to comply with the minimum density standard of the underlying LDR-5 or LDR-7 ~~District nor the Perimeter Lot Size Compatibility Standard of Section 6.0212~~. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the development code. Lots created using the Large Lot Subdivision Option are not eligible for further land division.
- ~~(B) LDR-7: This subsection is intended to provide for a greater range of housing choices in the city by making available as an option to property owners/applicants the opportunity to create a subdivision that has an average lot size within the 10,000 sq. ft. to 14,000 sq. ft. range. Large lot subdivisions are not required to comply with the minimum density standard of the LDR-7 District. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the Development Code. Lots created using the Large Lot Subdivision Option are not eligible for further land division.~~
- (B) Standards for large lot subdivisions. The following standards apply to large lot subdivisions:
- (1) A large lot subdivision must have an average lot size of at least 8,000 square feet and less than 14,000 square feet.
 - (2) The minimum lot size in a large lot subdivision shall be 8,000 square feet.
 - (3) Large lot subdivisions are restricted to detached single-family dwellings.
 - (4) Minimum lot dimensions/yard setbacks:
Minimum lot dimensions:
Lot width at building line
(interior and corner lots): 50 feet
Lot depth (interior and corner lots): 100 feet

Minimum front yard setback:

All structures: 20 feet

Minimum side yard setbacks:

Interior side: 7.5 feet

GRESHAM CITY COUNCIL
AGENDA ITEM TYPE: DECISION



Enactment Reading: Development Code Amendments
Residential Districts Review Project

Meeting Date: Jan. 20, 2008
Service Area: Urban Design & Planning

Agenda Item Number: E-1
Service Area Manager: Mike Abbaté

REQUESTED COUNCIL ACTION

Move to approve Council Order No. 609, based on the findings attached to Council Order No. 609 and the findings included in Exhibit 1, and the enactment reading of Council Bill No. 12-08.

PUBLIC PURPOSE AND COMMUNITY OUTCOME

The purpose of the Residential Districts Review project, which is on the 2008 Council Work Plan, is to evaluate whether the City's residential district map and Development Code regulations are encouraging high-quality neighborhoods. It aims to ensure that:

- Residential lands are developed in a way that meets the community's vision and the City's goals.
 - More intense residential development (such as apartments and condominiums) is located in areas with adjacent facilities and services.
 - Gresham's Development Plan better integrates more intense development into the community and provides appropriate transitions between different uses and intensities.
 - Sustainable development principles are incorporated where feasible.
-

BACKGROUND

On Dec. 16, 2008 the City Council held a public hearing regarding proposed amendments to the Gresham Community Development Code and Development Plan Map. These amendments are intended to address issues relating to appropriate locations for housing and similar lot sizes components. The Council voted 4-0 to approve the proposed amendments at the Dec. 16 meeting. This is the second reading of the Council Bill and approval of the enactment.

RECOMMENDATION AND ALTERNATIVES

Staff recommends that Council approve Council Order 609 or modify it with one of the three following alternatives:

- A. To affirm the change of parcels along Orient Drive north of Welch (State IDs 1S3E13CD

4700, 1S3E13CD 4600 and 1S3E13CD 4500) from MDR-24 to LDR-5, and to further change the parcel north of these three (State ID 1S3E13CD 1700) from TR to LDR-5, make the following motion:

Move to approve Council Order No. 609, with change of the tax lot with state ID 1S3E13CD 1700 from TR to LDR-5, based on the findings included in Exhibits 1 and 2, and the enactment reading of Council Bill No. 12-08.

- B. To reverse the change of parcels along Orient Drive north of Welch from MDR-24 to LDR-5, make the following motion:

Move to approve Council Order No. 609, with change of tax lots with state IDs 1S3E13CD 4700, 1S3E13CD 4600 and 1S3E13CD 4500 from LDR-5 to MDR-24, based on the findings included in Exhibit 3, and the enactment reading of Council Bill No. 12-08.

- C. To modify the change of parcels along Orient Drive north of Welch from MDR-24 to LDR-5 and instead change the parcels to TR (as suggested in Ms. Rulla's letter of Nov. 5), make the following motion:

Move to approve Council Order No. 609, with change of tax lots with state IDs 1S3E13CD 4700, 1S3E13CD 4600 and 1S3E13CD 4500 from LDR-5 to TR, based on the findings included in Exhibit 4, and the enactment reading of Council Bill No. 12-08.

BUDGET / FINANCIAL IMPACT

The costs associated with completing this project are funded in the FY08/09 budget.

NEXT STEPS

The effective date of this ordinance is Feb. 19, 2009.

ATTACHMENTS

- A. Council Bill No. 12-08 (with Exhibit A -- Maps A through G)
- B. Council Order No. 609
- C. Exhibits 1-4, including Findings and Maps

FROM:

Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, Comprehensive Planning Manager
Brian Martin, Associate Comprehensive Planner

REVIEWED THROUGH:

Rick Faus, City Attorney's Office
Alice Rouyer, Executive Manager

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EXHIBIT 3: FINDINGS – LDR-5 TO MDR-24

Meeting Date: Jan. 20, 2008

Application No. CPA 08-293

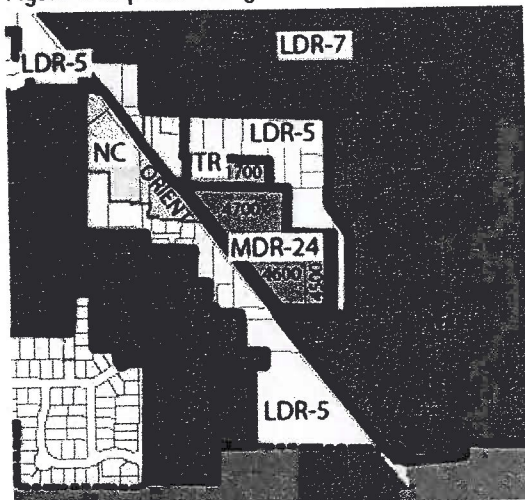
I. PROPOSED MAP CHANGE

As part of the Residential Districts Review project, three properties along Orient Drive and Welch Road in southeast Gresham would change to the Moderate Density Residential-24 district from the Low-Density Residential-5 district that was reflected in the Dec. 16 Council Order No. 609). The properties are:

State ID	Address	Acres
1S3E13CD 4700	26805 SE ORIENT DR	2.4
1S3E13CD 4600	26837 SE ORIENT DR	3
1S3E13CD 4500	4717 SE WELCH RD	0.7

If these map changes were to occur, the Community Development Plan Map would appear as it does in Figure 1 below:

Figure 1: Map with Changes to MDR-24



The numbers on the properties refer to the last four digits of the state ID.

II. FINDINGS

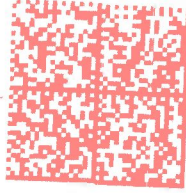
Changes planned for Orient Drive and its surroundings call for some limited allowance for intense housing in the right location.

Based on the following, these properties are appropriate locations for more intense housing:

- Orient Drive is slated to be upgraded to arterial standards in the future.

- Orient may carry bus service in the future when it is a gateway to the Springwater industrial jobs.
- The properties are near the future Springwater commercial and industrial areas and will have high accessibility to jobs in the future.
- The properties have the size and access characteristics that can accommodate more intense housing, including apartments.
- Although access is challenging because of the site's proximity to the Welch/Orient intersection, two access points are possible into the site.

CITY OF GRESHAM
DEVELOPMENT SERVICES
PLANNING SERVICES
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GRESHAM, OR 97030



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