



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

March 31, 2006



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 005-05A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: April 14, 2006**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Hopkins, DLCD Regional Representative  
Ron Bunch, City of Gresham

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

**DEPT OF**

This form must be mailed to DLCD within 5 working days after the final decision **MAR 27 2006**  
per ORS 197.610, OAR Chapter 660 - Division 18  
(See reverse side for submittal requirements)

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: City of Gresham

Local File No.: CPA 05-6160

(If no number, Use none)

Date of Adoption: 3/21/06

(Must be filled in)

Date Mailed: 3/24/06

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 9/8/05

(This was originally sent to DLCD as part of Local File No. CPA 05-3103 and was pulled as a separate project)

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use regulation Amendment

Zoning Map Amendment

New Land Use regulation

Other: \_\_\_\_\_

(Please Specify Type of Action)

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

Amends the Gresham Community Development Code to add provisions to allow the option to develop a large lot subdivision in the Low Density Residential (LDR) district.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

This was originally proposed as an amendment to the Planned Development (PD) standards to allow large lot PDs with a minimum average lot size of 10,000 square feet or greater in the LDR district and 6000 square feet or greater in the in the TLDR District. The adopted Ordinance provides for the option for property owners/applicants to develop large lot subdivisions (not as Planned Developments) that have an average lot size within the 8,000 sq. ft. to 14,000 sq. ft. range in the LDR district only.

Plan Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1 & 10

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD# 005-05A(44665)

Did the Department Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  X  No:

If no, do the Statewide Planning Goals apply Yes:   No:

If no, did the emergency circumstances require immediate adoption Yes:   No:

Affected State or Federal Agencies, Local Governments or Special Districts:   Metro

Local Contact: Ron Bunch

Area Code + Phone Number: 503) 618-2529

Address: 1333 NW Eastman Parkway

City: Gresham, OR

Zip Code + 4: 97030-3825

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## 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 (2) Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME )      Order No. 586  
3, DEVELOPMENT CODE, OF THE GRESHAM )  
COMMUNITY DEVELOPMENT PLAN TO ALLOW )      CPA 06-6160  
LARGE LOT OPTIONS FOR SUBDIVISIONS IN )  
THE LOW DENSITY RESIDENTIAL DISTRICT )

On March 7, 2006, the City Council held a public hearing to take testimony on the city's application to amend Volume 3, Development Code, of the Gresham Community Development Plan to allow large lot options for subdivisions in the low density residential (LDR) district.


The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the March 7, 2006 meeting, and a decision was made at the March 21, 2006 meeting.

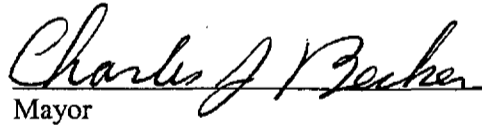
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached staff report.

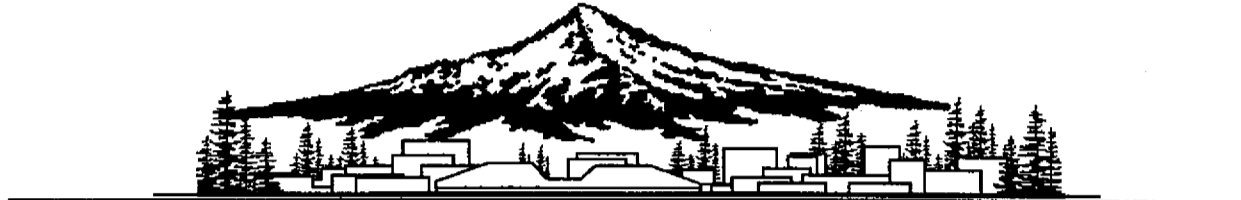
Dated: March 21, 2006



\_\_\_\_\_  
City Manager



\_\_\_\_\_  
Mayor



## **MEMORANDUM**

*Comprehensive Planning  
Community & Economic Development Department  
City of Gresham*

### **STAFF REPORT TYPE IV HEARING**

**GRESHAM COMMUNITY DEVELOPMENT CODE TEXT AMENDMENT  
TO PROVIDE A GREATER RANGE OF HOUSING CHOICES BY MAKING  
AVAILABLE, AS AN OPTION TO PROPERTY OWNERS/APPLICANTS, THE  
OPPORTUNITY TO CREATE LOW DENSITY RESIDENTIAL SUBDIVISIONS  
WITH AVERAGE LOT SIZES BETWEEN 8,000 AND 14,000 SQUARE FEET**

**TO:** City of Gresham Planning Commission

**FROM:** Ron Bunch, Principal Planner  
John Pettis, Associate Planner

**HEARING DATE:** February 13, 2006

**REPORT DATE:** January 30, 2006

**FILE NUMBER:** CPA 05-6160

**PROPOSAL:** Amend Volume 3, Community Development Code Section 4.0100, "Residential Land Use Districts" by adding Subsection 4.0140, "Large Lot Subdivision Option Within the Low Density Residential (LDR) District". The purpose is to make available, at the option of a property owner and/or applicants, opportunities to create low density residential subdivisions that can have a larger average lot size than currently allowed, of at least 8,000 square feet but less than 14,000 square feet.

In addition this amendment will have standards that:

- Require that all large lot subdivisions have a minimum lot size of 8,000 sq. ft.;
- Restrict large-lot subdivisions to detached single-family dwellings; and

- Require larger minimum lot dimensions/yard setbacks than presently required for LDR subdivisions with an average lot size of 5,000 to 7,000 sq. ft. (for detached dwellings).

EXHIBITS:

- A. Proposed Development Code Text Amendment (Council Bill Format)
- B. Vacant Unconstrained LDR Parcels Map

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Gresham Community Development Code amendment contained in attached Exhibit A.

## SECTION I BACKGROUND INFORMATION

This amendment to the Gresham Development Code (GDC) is the result of many months of study by the Council-appointed Community Land Use Task Force (CLUTF). The Task Force was charged with assessing community concerns about the City's land use program and recommending measures to deal with these concerns. This task included assisting the Planning Commission and the City Council in their review of land use related issues that came to light through 2003-04 Periodic Review and update of the Comprehensive Plan. The Task Force, through its meetings, discussions with the public, and panel discussions with experts in the development, housing and urban planning fields arrived at a list of approximately 20 separate recommendations. Some of the specific recommendations deal with community concerns such as:

- Need to ensure more cohesive, stable and livable residential neighborhoods;
- Need for higher quality residential living environments, including site design, streetscape appearance, building design and construction quality;
- Need for greater housing choice including greater market choices for those seeking single-family residential housing;
- Need for new development to be more compatible with existing neighborhoods;
- Need for better development site planning and design to preserve open space, protect natural environmental qualities and to allow for more tree planting and landscaping.

This particular Code amendment is proposed as one way to address the above community concerns.

The Land Use Task Force found that the City's existing requirements that subdivision plats for detached single family development have an average lot size of 5,000 to 7,000 square feet has resulted in an overabundance of small single-family residential lots, primarily 5,000 to 6,000 square feet. Per the Task Force and the citizens that spoke before it, this has contributed to the following conditions:

- Numerous compatibility conflicts with existing residential neighborhoods such as design, bulk, scale and land use intensity conflicts.
- Reduced housing choice in Gresham. The Land Use Task Force and those in the local real estate industry noted that persons with incomes capable of purchasing new homes on larger properties must look to other communities for this housing type. This has caused business owners and professional employees that may work in Gresham to live elsewhere where this housing type is more readily available.
- Resulted in the large-scale landscape and natural resource impacts. This is caused by requisite development operations needed to build dense small-lot subdivisions, including large-scale site grading, tree removal and construction of high percentages of impervious surfaces.

The Land Use Task Force found that there are concerns among Gresham's citizens about the long-term stability of residential neighborhoods because of the predominance of small lot residential subdivisions in recent years. During the last sixteen months of discussions with the Task Force and other citizens, it was stressed that Gresham should be a community where persons of all income levels have an opportunity to find housing that suits their needs. Particularly important is the opportunity for citizens to be able to access all kinds of housing during their lifecycle. This allows people to conduct the full range/extent of their economic and social life within the same community. This life-long commitment to a community contributes to social and fiscal stability. Instead, many who spoke before the Task Force expressed the opinion that once a family increases its income and seeks to purchase a larger house and lot, it must move elsewhere to do so.

Socio-economic diversity of population is important to the social and economic well being of a community. Metro and economic census data indicates that Gresham has significantly fewer jobs available inside the city relative to the number of its households when compared to the region and other jurisdictions. Consequently, it has a relatively low "jobs to housing ratio". One negative impact is that a substantial numbers of Gresham residents have to work at businesses located outside the city, and according to U.S. Census data, Gresham workers have one of the longest work commute times in the state.

To help correct this condition it is necessary to expand both housing and economic opportunities across the board. In addition to helping existing businesses to expand and attracting new businesses to Springwater and elsewhere, it is also important for the city to provide for more housing choices for their employees who want to live or continue to live in the community.

Staff has undertaken an extensive analysis of the proposed standard for the large lot option and its conformance with applicable Comprehensive Plan goals and policies. The associated findings and conclusions have determined that the proposed change to the Gresham Development Code is consistent with the applicable Comprehensive Plan criteria. The staff report also concludes that the GDC amendment is consistent with state statute and statewide planning goals. Furthermore, it has negligible impacts on the Metro Functional Plan because it will have insignificant impacts on the City's Housing Capacity (Metro Functional Plan Title 1). The very small amount of housing capacity that may be lost by implementing the proposed change will be more than made up for by planning for increased densities in Gresham's centers and along arterial corridors.

The City has found that high-quality housing and housing choice are important for all of Gresham's residents in all income categories. It is the City's position that attractive, safe and stable neighborhoods where sound investments in housing can occur should be accessible to all regardless of income. This proposal is intended to enhance the City's overall quality of life by improving neighborhood quality, community design and housing choice.



**SECTION II**  
**APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

- A. Section 11.0400 Legislative Actions
- B. Section 11.0205 Type IV Procedure – Legislative

**SECTION III**  
**APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- 10.014 Land Use Planning -- Section 1, Land Use Policies and Regulations: Goal; Policies 1, 4, 9, 12, 23; Section 2, Community Design -- Trees and Other Vegetation: Goal, Policies 1 and 10
- 10.100 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 11
- 10.311 Residential Land Use -- Policy 1
- 10.610 Housing -- Policy 1

**SECTION IV**  
**FINDINGS OF FACT – CONFORMANCE TO THE**  
**COMMUNITY DEVELOPMENT PLAN**

The proposed amendment to Volume 3 (Development Code) of the Gresham Community Development Plan is consistent with all applicable criteria and procedures of the comprehensive plan as indicated by the following findings and conclusions.

**Community Development Plan Procedures**

*Section 11.0400 – Legislative Actions:* These amendments to the Community Development Plan identified in this section require a legislative action pursuant to the Type IV Land Use Procedures. Required notice of the public hearing for these text amendments has been published in the *Gresham Outlook* in accordance with these procedures.

*Section 11.205 – Type IV Procedure:* Both the Planning Commission and City Council will consider these proposals at public hearings in conformance with this section.

The following are Community Development Plan policies that relate directly to this proposal. Findings are provided to illustrate how the proposal conforms to the Community Development Plan, Metro Functional Plan and the Statewide Planning Goals.

**Applicable Criteria: Chapter 10.014, Goal 2 - Land Use Planning, Section 1 / Applicable Criteria: Goal and Policies 1 & 4**

- 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 shall also serve the best interests of Gresham.”
- Policy 4: “The City shall promote a development pattern of land uses in the amounts, types and sufficient economic values to advance the community’s quality of life and its social and fiscal stability.”

**Findings:** Among the reasons to make the proposed changes to the Community Development Code are: 1) Update the City’s land use regulations to ensure they are consistent with current conditions and circumstances and desires of the community as expressed through elected representatives; 2) Ensure the land use program represents the best interests of the City in the context of consistency with state and regional requirements. The following explains in detail why and how the proposed changes are responsive to community needs; that they are in the City’s best interests and how they are consistent with state and regional requirements.

**There is a need to provide for a wider range of housing opportunities in Gresham for large lot single-family housing:** The City of Gresham has determined that it is important to provide a wider range of housing opportunities. As stated above, this includes the City’s responsibility to respond to the demand for larger lot residential development. Gresham has one of the smallest ranges of residential lot size (5,000 to 7,000 sq. ft.) among the region’s suburban cities. Thus, the City cannot provide housing opportunities for those persons who may want to live on residential lots larger than 7,000 sq. ft. As noted above, these persons have limited opportunities to live in Gresham and often must purchase these types of homes/properties in other communities. The following chart shows the range of lot sizes allowed in Gresham’s single family district (LDR) and the range of lot sizes allowed in the single family zoning districts of other cities in the Portland region.

City <sup>1</sup>	Range of Low Density Residential Lot Sizes
Gresham	5,000 to 7,000 sq. ft. <sup>2</sup>
Troutdale	7,000 to 20,000 sq. ft.
Tigard	5,000 to 30,000 sq. ft.
Beaverton	5,000 to 10,000 sq. ft.
Lake Oswego	6,000 <sup>3</sup> to 15,000 sq. ft.
Oregon City	6,000 to 10,000 sq. ft.
West Linn	7,000 to 40,000 sq. ft.
Hillsboro	6,000 to 10,000 sq. ft.

**In Gresham, the majority of newly platted LDR lots in recent years have been between 5,000 and 6,000 sq. ft.** Because of market conditions developers and property owners have

<sup>1</sup> Portland is not included in the table because of its size and role as the region’s major Metro Center. The urban character of Portland both differs and is similar to the suburban communities. Single-family neighborhoods are an important part of Portland’s housing mix. In Portland most low density residential lot sizes range from 5,000 to 7,000 square feet. There are also some lands designated for 20,000 and 10,000 square foot lots. However, these are much less predominant than the 5,000 – 7,000 square foot designations.

<sup>2</sup> In some cities 5,000 square foot single-family lots are classified as medium density residential instead of low density residential.

<sup>3</sup> In Lake Oswego, the predominant low-density residential lot sizes are 15,000, 10,000 and 7,500 square feet. The 6,000 square foot lot size applies to an approximately 100-acre area called First Addition near the downtown.

sought to maximize land investments and have developed Low Density Residential properties at the maximum density possible by creating 5,000 to 6,000 square foot lots (approx. 8 units/acre). 2004 and 2003 LDR subdivision permits were reviewed and it was found that new lot sizes averaged 5,800 square feet. Looking further back, it was found the same range of lot sizes was approved for subdivisions platted in 2001.

**This amendment to the GDC will maintain the City's conformance with the Metro Functional Plan.** Implementing this code change will have negligible impacts on the City's meeting its assigned Metro Title 1 Housing Capacity Target. The following findings address this issue:

Title 1 of the Metro Urban Growth Management Functional Plan (UGMFP) assigns targets for housing and jobs that each of the region's jurisdictions committed to accommodate for the period 1994 to 2017.<sup>4</sup> In its 1999 – 2000 "Housing Capacity Analysis Report" Gresham demonstrated to Metro that its residential plan districts could provide a minimum of 16,920 units or about 100 units more than the Functional Plan, Title 1 assignment. This was based on the amount of dwelling units that had already been constructed from 1994 to 1999 and the minimum number that could be anticipated from future development and redevelopment of vacant/developable and redevelopable residential zoned land. Also, like the other jurisdictions, Gresham adopted a minimum required density for each of its residential districts in order to ensure the Title 1 capacity target could be met. To date, from 1994 to 2005, approximately 9,500 units or 56% of the Title 1 housing target has been constructed.

Gresham updated the findings and background component of its comprehensive plan in 2003 in order to meet state periodic review requirements ("Appendix 6, Gresham's Residential Lands Inventory"). Part of this work involved doing an inventory report of its residential zoned lands. The report identifies the remaining residential zoned land that is vacant and readily developable or "unconstrained". It indicates that in 2003, out of 6,408 acres that were designated LDR (Low Density Residential), 822 acres was still vacant or about 13%. Furthermore, only 290 acres of the 822 acres was found to be unconstrained and fully developable. Most of the remaining 531 acres of constrained land had limited utility because it is within the Hillside Physical Constraint Overlay District. This environmental overlay district applies to land with slopes of 15% and greater. In general, through subsection 6.0322 of the Gresham Development Code, the hillside district requires a minimum lot size of 15,000 sq. ft. to one acre for a new dwelling unit, depending upon the degree of slope. We now estimate, through a review of our 2005 land use inventory data (LUIS), that the remaining amount of vacant unconstrained LDR land within the City is now no more than 200 acres or 3% of all LDR designated land. This represents all vacant/unconstrained LDR sites of .75 acres (32,000 sq. ft.) or greater, which is the minimum site size necessary to do a large lot subdivision (at least 4 lots) with a minimum lot size of 8,000 square feet. A map that shows the distribution of these sites is attached as Exhibit B. Most of the remaining acreage is located in the southeast part of Gresham.

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<sup>4</sup> Initially the Metro Functional Plan required jurisdictions to estimate housing capacity that could be accommodated for the period 1997 - 2017. However with the addition of Pleasant Valley and its proposed 5,000 dwelling units to the UGB, Metro increased the City's Housing Capacity Target to 22,000 Dwelling Units. Metro took this action after the Pleasant Valley Functional Plan was completed in 2003 – 2004.

Therefore, in view of current circumstances, this proposed change to the GDC will have a minimal impact on Gresham's ability to meet its Title 1 housing target capacity, given the small amount of remaining vacant and unconstrained LDR land. The LDR contribution toward meeting the Title 1 target was based on the amount of net vacant buildable acres divided by 6.22 units/acre or 1 dwelling unit per 7,000 sq. ft. of land area. "Net vacant acres" is the gross acreage minus the amount of acreage needed for future streets, parks and other public facilities. In the Capacity Analysis Report this was assumed to be about 20% of the gross acreage. If we deduct 20% from the 200 acres of remaining vacant/unconstrained LDR land, 160 net acres remain for the actual building lots. If we then multiply the 160 acres by the Title 1 assumed minimum density of 6.22 units/acre (7,000 sq. ft. lots), the yield is 995 units.

Based on local market factors, we anticipate that when developers exercise the large lot subdivision option it will result in subdivisions that will have an average lot size of about 10,000 square feet, or a density of 4.36 units/acre. Assuming all of the remaining 160 acres of LDR net vacant/unconstrained land is developed using this option at the 4.36 units/acre density the yield would be 697 units. Therefore, at the most, this code amendment would result in a capacity reduction of 298 units (995 units minus 697 units). Keep in mind that the City in its Capacity Analysis Report indicated that it could provide 100 units more than its assigned capacity. Taking this surplus capacity into account reduces the deficit to 198 units. This would mean Gresham would have a minimum housing capacity for 16,619 units or only 1% less than the 16,817 Title 1 target. However, we believe that the deficit is likely to be even smaller -- .5% (100 units) or less, because many owners of LDR vacant property are likely to develop their property near the maximum allowed LDR density of 8.7 units/acre (5,000 sq. ft. lots), as has been the norm in recent years. Also, larger lot subdivisions are typically developed only in certain areas where views or other natural amenities are present around which to market such developments.

This small Title 1 capacity deficit can be easily made up by future measures Gresham intends to take to increase the capacity of its centers and certain corridors beyond that assumed in the 2000 capacity report. Furthermore, in view of the small amount of remaining vacant and developable LDR land, Gresham's centers and corridors will have to provide most of the remaining housing needed to meet the City's housing capacity target.

Therefore, the City will be revisiting the Gresham Downtown Plan this year to see how it can encourage more mixed use/high intensity development in this part of the regional center. The City is also in the process of implementing the Rockwood Urban Renewal Plan, of which housing is a major element. In both areas, one of the issues to be considered is increasing the allowed maximum height of buildings beyond the present 4-story limits in order to respond to market realities for mixed-use buildings. Measures such as these can increase residential densities in areas better served by services and amenities such as transit, shopping, services, etc. More intense urban development in these areas can more than compensate for any loss in density that may occur at the City fringes where most of the remaining buildable LDR land is found.

**This action will maintain Gresham's compliance with Statewide Planning Goal 10 – Housing, including the Goal 10 Portland Metro Housing Rule:** This action will not affect the City's Compliance with Statewide Planning Goal 10 - Housing. For example, the Metro Housing Rule requires cities like Gresham to show it provides the opportunity for housing to be

built at a density of 10 units per acre and at a 50%/50% mix of attached and detached units. Gresham currently provides an opportunity for 14.5 units an acre and a 63%/37% mix of attached / detached units.

Because the proposed amendments affect such a small part of Gresham's LDR land, there will be a commensurate minimal impact of less than 1% on the City's numerical compliance with the Metro Housing Rule. In addition, since the large lot subdivision code amendment would be optional and not required for property owners/developers, the opportunity to develop up to the existing maximum allowed LDR density would still remain.

In its Periodic Review Submittal of 2003-04, Gresham exhibited that the City complies with Statewide Planning Goal 10 in all other respects. This proposal does not affect any of these other Statewide Planning Goal requirements. For example, the City has 1) inventoried its buildable residential lands, and 2) assured its residential Plan Map designations allow for flexibility of housing locations, types and densities. Also, Statewide Planning Goal 10 stresses that comprehensive plan map designations shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels commensurate with the needs of persons with a variety of incomes.

Furthermore, Gresham believes that the proposed Development Code amendments would better implement the Statewide Planning Goal because it's implementation could broaden the range of housing opportunities in Gresham by addressing those who seek to buy homes situated on larger lots.

Also making these changes to the Community Development Code will not affect low and moderate-income housing opportunities. Partly because the proposed Code amendment will affect such a small amount of Gresham's overall housing stock potential. Also, Gresham's housing stock is generally more affordable than that of many jurisdictions in the region. From this perspective it is important to note that, per the Department of Housing and Urban Development, the median price for single-family homes in Gresham was about \$165,000 in 2004. At current interest rates, homes at this price and lower are affordable to families making 51% to 80% of median family income based on 80% of the 2004-2005 FHA mortgage limits. Also, recent real estate market information indicates that Gresham's housing appreciated less in recent years than any other suburban jurisdictions. Therefore, compared to most other jurisdictions, owner occupied housing in Gresham remains relatively "affordable."

Also, rental housing or apartments in Gresham are generally more affordable than in other communities. A survey was conducted in 2005 of the average rents of both new and older apartments. The study found that average rents were, per HUD limits, "affordable" to persons at approximately 51% - 80% of median family income. In view of the larger number of apartments in Gresham, it was found that the City exceeds its Metro regional affordable Housing Share benchmarks in the 51% to 80% median family income categories.

Finally, Gresham's land use program places no barriers to the development of affordable housing of all types. Those who administer the City's land-use policy and development program work directly with the City's Community Revitalization section, the Housing Authority of Portland,

and private providers to ensure Gresham residents have access to affordable and special needs housing opportunities.

**Conclusion:** For the above reasons, it is concluded that the proposal complies with and implements Goal 2, Section 1 - Land Use Planning, specifically the Goal and Policies 1 and 4.

**Applicable Criteria: Chapter 10.014, Goal 2 - Land Use Planning, Section 1 / Applicable Criteria: Policies 9 & 12**

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 12: “The City shall establish design standards to assure quality development and enhance the community’s attractiveness and livability.”

**Findings:**

The City’s reliance on small residential lots has had unintended negative consequences on residential neighborhoods and has created, in many instances, compatibility conflicts between new and existing development. For example, under the GDC’s current average LDR lot size requirement for detached dwellings it is common for several new small residential lots to abut one existing larger property. In many cases, the design and character of the dwellings developed on these lots have been quite different than nearby existing homes.

There have been significant impacts on open space and natural resources because of the intense site development needed to develop properties to the required/allowed densities. This has resulted in inadequate area to plant trees, develop residential landscapes and otherwise promote a feeling of open space. Streetscape design amenities have been lacking because of the small size of front yards, narrow lot widths and the dominance of driveways/garages, and the fact that small suburban lots limit site and building design options.

Neighborhoods developed with small residential lots often have more negative community water quality impacts. These neighborhoods are in many cases dominated by impermeable surfaces such as streets, driveways and rooftops. Providing flexibility in lot sizes would provide water quality benefits by providing more permeable areas; increase the potential to preserve existing vegetation and natural drainages, and allow for the planting of more trees and other landscaping that can retain and utilize surface runoff. These measures would also provide more open space type amenities in residential neighborhoods.

It is important to the City of Gresham that its land use program provides the means to enhance the stability and quality of the whole community. The proposed large lot subdivision option standard will help accomplish this by providing property owners and developers an alternative to the City’s small lot requirements. This will allow the opportunity to respond to the need of those who require such housing. Furthermore, the proposal would enhance the community’s attractiveness and livability. It would provide the opportunity for density transitions between

higher and lower-density residential neighborhoods. The proposal will allow developers/property owners the opportunity to plat lots within a broader size range to address compatibility issues that arise between new development and existing land uses. The proposal would also help reduce other design related impacts associated with placing dissimilar building types close together. These impacts include incompatible mass, scale and height relationships among dwellings.

In summary, the City of Gresham finds it is necessary to change the GDC to allow opportunities to develop larger single-family residential as a means to:

- Promote new development that is more compatible with existing neighborhoods;
- Promote more flexible and higher quality site and building design;
- Have less impact on natural resources and water quality; and
- Promote a greater sense of openness through large setbacks and opportunities to plant trees and other landscaping.

**Conclusion:** Per the above findings, it is concluded that the proposed amendment to the Gresham Development Code is consistent with Section 10.014, Goal 2, Land Use Planning, specifically Policies 9 and 12.

**Applicable Criteria: Chapter 10.014, Goal 2 – Land Use Planning, Section 1 / Applicable Criteria: Policy 23**

**Policy 23:** “Gresham shall coordinate the development, adoption and amendment of its land use related goals, policies and implementing measures with other affected jurisdictions, agencies and special districts.”

**Findings:** The proposal to adopt the above changes to the Gresham Development Code has been coordinated with affected jurisdictions, agencies and special districts through the Post Acknowledgment Plan Amendment process required by the Department of Land Conservation and Development (DLCD). No comments have been received from DLCD, Metro or other agencies or special districts.

**Findings:** Based upon the above findings, it is concluded that the proposal to amend the Gresham Development Code complies with Goal 2 - Land Use Planning, specifically Policy 23.

**Applicable Criteria: Chapter 10.014, Goal 2 – Land Use Planning, Section 2, Community Design, Trees and Other Vegetation / Applicable Criteria: Goal**

**Goal:** “Protect and enhance the environmental and aesthetic contribution of trees and other vegetation”

**Findings:** The opportunity to plat larger lots on the City’s remaining vacant Low Density Residential (LDR) land will make it easier to preserve existing vegetation, by reducing the extent of required site development activities such as grading. Also housing footprints on larger lots typically occupy a smaller percentage of the development site, making it more feasible to modify

building placement in order to preserve trees. Also, larger yards made possible by larger setbacks provide more opportunities to plant trees and other vegetation. Thus, there is a higher probability that mature trees will develop over time within areas of larger residential lots. Mature trees are a substantial factor in streetscape quality and overall aesthetic and environmental character.

Conclusion: It is concluded that the proposal implements the above goal for the reasons stated.

**Applicable Criteria: Chapter 10.014, Goal 2 – Land Use Planning, Section 2, Community Design, Trees and Other Vegetation / Applicable Criteria: Policy 1**

Policy 1: “The City shall establish regulations to protect and, when necessary restore trees and other vegetation to support community aesthetics, maintenance and/or improvement of water quality, erosion control and stability of slopes and unstable soils.”

Findings: By providing the opportunity to plat larger subdivision lots, this proposal provides a commensurate opportunity to preserve and protect existing vegetation and plant new trees and landscaping. The above findings describe these opportunities in detail and are incorporated by reference.

Conclusion: The proposal is consistent with the above policy for the reasons stated.

**Applicable Criteria: Chapter 10.014, Goal 2 – Land Use Planning, Section 2, Community Design, Trees and Other Vegetation / Applicable Criteria: Policy 10**

Policy 10: “The City shall ensure that its street design and land use standards provide ample room and building setbacks to allow tree planting.”

Findings: The proposal includes larger required yard setbacks, on average about 50% larger, than currently required by the Gresham Development Code for the LDR district. One of the purposes of the larger yard areas is to make available more room for tree planting.

Conclusion: The proposed Development Code amendments are consistent with the proposed policy for the reasons stated.

**Applicable Criteria: Chapter 10.100, Citizen Involvement / Applicable Criteria: Goal and Policies 1, 2, 3, 10, 11**

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.”

Policies:



1. "The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations."
2. "The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions."
3. "The City shall foster regular and ongoing two-way communication between citizens and City elected and appointed officials."
10. "The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues."
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:** This amendment is part of a group of development code amendments that have been proposed by the Community Land Use Task Force, which was established by the City Council. Both the concepts and details associated with this proposed code amendment and other recently adopted amendments have been the subject of almost eighteen months of public discussion at both the Community Land Use Task Force meetings and before the Planning Commission. In addition, staff has met with interested stakeholders such as Neighborhood Associations and Development Advisory Group (DAG) to discuss these proposals and to receive their input. Furthermore, both the Planning Commission and City Council held public work sessions and policy discussion on these and related matters. The Task Force proposals have also been the subject of newspaper articles that have appeared in both the Gresham Outlook and Oregonian newspapers.

In addition, public notices, per state law, regarding the Planning Commission's public hearing were placed in the Gresham Outlook, the local newspaper. The Planning Commission staff report and proposed text amendment (Exhibit A) were available for public review 10 days ahead of the hearing.

**Conclusion:** It is concluded pursuant to the above findings and reasons that this proposal to amend the Community Development Code complies with the Citizen Involvement chapter goal and applicable policies.

**Applicable Criteria: Chapter 10:300 (Physical Environment), Section 10.311 - Residential Land Use / Applicable Criteria: Policy 1**

**Policy 1:** "It is the City's policy to provide affordable housing opportunities to all residents (current and potential) and to allow for flexibility in the type, location and density of housing."

**Findings:** The proposal to amend the Development Code to allow large subdivision lots seeks to balance Gresham's single-family housing choices. Per the above findings and conclusions, the great majority of LDR subdivisions that have been developed in Gresham since at least 2000 have had an average lot size within the 5,000 to 6,000 sq. ft. range. Persons with incomes

capable of purchasing homes on larger lots must seek this type of housing in other communities. Therefore, this proposed amendment will serve the community by expanding the range of housing choices for existing/future residents by having the development code provide more flexibility in the type, location and density of housing than is currently the case.

Conclusion: The proposal will provide additional housing opportunities for Gresham's current and existing residents. It will add greater flexibility to Gresham's land use program. Therefore, it is concluded that the proposal is consistent with the applicable policy.

**Applicable Criteria: Chapter 10.600 (Housing), Section 10.610 – General Policy /  
Applicable Criteria: Policy 1**

Policy 1: "The City will coordinate its policies and programs to create an environment that encourages an adequate supply of safe housing that is commensurate with the financial capabilities of people and their families who work and live in Gresham and for persons with special needs."

**Findings:** As discussed above, in the previous findings, a major purpose of the proposed amendment is to provide the means whereby the City's Land Use Program can promote housing choice in the City. It is important to encourage an adequate supply of housing commensurate with the financial abilities of all Gresham's residents. This includes housing opportunities for those persons with incomes that allow them to purchase homes on larger lots. This proposed Code amendment is in response to the recognition that Gresham has a responsibility to provide housing opportunities for all persons regardless of income. This includes those who rent or who may be buying their first house and/or those who wish to acquire larger more expensive homes on larger lots.

There are many benefits associated with increasing housing choice in the City, including having a more diverse population, supporting a more balanced jobs to housing ratio and enhancing community stability.

The proposal will not limit the ability of persons with special needs to acquire needed housing because of the previously stated findings that are hereby incorporated by reference.

**Conclusion:** For the above reasons, it is concluded that the proposal conforms to Housing Policy 1 by enhancing the opportunity for safe housing commensurate with the financial capabilities of persons who live and work in Gresham.

## **SECTION V CONSISTENCY WITH METRO FUNCTIONAL PLAN AND STATEWIDE PLANNING GOALS**

The Gresham Community Development Plan is consistent with the Metro Functional Plan and the Statewide Planning Goals/Administrative Rules. Findings and conclusions for all

amendments to the Gresham Community Development Plan must demonstrate continued compliance with regional and state requirements.

#### **Metro Functional Plan**

**Findings:** This proposal to amend the Community Development Code will not affect the implementation of Metro Functional Plan Titles 2, 3, 4, 5, 6 or 7. Furthermore, these changes do not significantly affect the City's compliance with Title 1, Housing and Employment Capacity.

However, there could be a slight impact to the Title 1 Housing Capacity Target of 16,817 units as acknowledged above in the findings of Section IV of this staff report. These respond to comprehensive plan chapter Goal 2-Land Use Planning. The option of providing developers/property owners large lot development options could impact the overall number of housing units that could be yielded by the City's available developable land. However, this is dependent on whether the option is utilized.

Any loss of housing units is likely to be very small, 200 units (1%) or less, as explained in the above Section IV findings. Furthermore, this loss will more than likely be made up by the City's efforts to increase residential capacity of its centers and corridors. For example, increasing the allowed height of buildings could by itself significantly increase residential capacity of these areas.

**Conclusion:** Based on the above findings and those in Section IV of this staff report, the proposed amendments to the Community Development Code would have a very small impact on the City's ability to achieve its housing capacity per Title 1 of the Metro Functional Plan. It is probable that ongoing and future housing production within the City's centers and corridors will more than compensate for the small amount of lost single-family residential housing capacity.

Therefore, the City finds that the benefits of providing for the large lot development option, as explained above, far outweighs the downside of not building at the most about 200 single-family units out of the Citywide Title 1 Housing Target of 16,817 units. This minimal loss of housing capacity can be easily made up by future development/redevelopment of the City's centers and corridors.

#### **Statewide Planning Goals**

**Findings:** The proposal is applicable to Statewide Planning Goal 10, Housing.

Statewide Planning Goal 10 requires Gresham and other jurisdictions within the Metro area to provide the opportunity to develop at density of 10 units per acre with a mix of 50% attached and 50% detached residential units. As also described in the above findings of Section IV of this staff report, the proposed change to the development code would not have a significant affect on the City's current land use designations, which currently provide an opportunity for development at 14.5 units per acre and 62.5%--37.5% mix of attached versus detached units. Any impact at all would be very small, in the range of .1% reduction in units per are or attached/detached ratio. The reason is that the proposal would allow only single-family homes, in the large lot subdivision. It does not allow duplexes or row houses to be built as part of these projects.

Furthermore, in addition to the above requirements, there are other requirements that these proposed Comprehensive Plan amendments do not affect. These are:

- Provide clear and objective approval standards for needed housing that must not have the effect to discourage needed housing through unreasonable cost or delay;
- Apply specific land use designations for residential uses;
- Not impose any restrictions on housing tenure that restricts the construction of either rental or owner occupied housing, unless such restriction is justified by an analysis of housing need according to tenure or otherwise demonstrate that such restrictions comply with ORS 197.303(a) and 197.490.
- Conduct a buildable residential land inventory that documents the amount of buildable land in each residential plan designation. This was done by the City as part of its recent periodic review effort. The residential lands inventory was acknowledged and accepted by LCDC in 2004.

**Conclusion:** The proposal complies with Statewide Planning Goal 10 for the reasons provided above and as given in Section IV of this staff report.

#### **SECTION VI OVERALL CONCLUSION**

The proposed Community Development Code text amendment, attached as Exhibit A, is consistent with applicable criteria, including the policies of the Community Development Plan, Metro Functional Plan, and the Statewide Planning Goals, as contained or referenced within this report.

#### **SECTION VII RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Gresham Community Development Code text amendment contained in attached Exhibit A.

*End of Staff Report*

Commentary is for information only.  
 Proposed new text is double-underscored.  
 Proposed deleted text is ~~stricken through~~.

CB 09-06

ORDINANCE NO. 1626

AMENDMENT TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN, TO ALLOW LARGE LOT OPTIONS FOR SUBDIVISIONS IN THE LOW DENSITY RESIDENTIAL DISTRICT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 4.0100 is amended as follows:

Proposed Text Amendment	Commentary
<p><b><u>4.0140 – Large Lot Subdivision Option for Low Density Residential (LDR)</u></b></p> <p><u>(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. Large lot subdivisions are not required to comply with the minimum density standard of the LDR district. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the development code.</u></p> <p><u>(B) Standards for large lot subdivisions. The following standards apply to large lot subdivisions:</u></p> <p><u>(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.</u></p> <p><u>(2) The minimum lot size in a large lot subdivision shall be 8,000 square feet.</u></p> <p><u>(3) Large lot subdivisions are restricted to detached single-family dwellings.</u></p> <p><u>(4) Minimum lot dimensions/yard setbacks:</u></p> <p><u>Minimum lot dimensions:</u></p> <p><u>Lot width at building line (interior and corner lots): 50 feet</u></p> <p><u>Lot depth (interior and corner lots): 100 feet</u></p>	<p><i>Allows the option to develop a large lot subdivision in the Low Density Residential (LDR) district.</i></p> <p><i>Standards for large lot subdivisions</i></p>

<p><u>Minimum front yard setback:</u>  <u>All structures: 20 feet</u></p> <p><u>Minimum side yard setbacks:</u>  <u>Interior side: 7.5 feet</u>  <u>Street side wall: 15 feet</u>  <u>Street side porch: 9 feet</u>  <u>Street side garage access: 18 feet</u></p> <p><u>Minimum rear yard setbacks:</u>  <u>Rear (no alley): 25 feet</u>  <u>Rear (with alley): 9 feet</u></p> <p>(5) <u>Unless otherwise noted above, all other LDR standards and requirements apply to large lot subdivisions.</u></p>	
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First reading: March 7, 2006

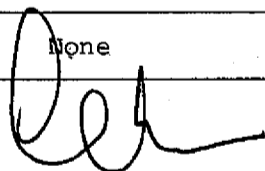
Second reading and passed: March 21, 2006

Yes: Becker, Echols, McIntire, Craddick, Widmark, Warr-King

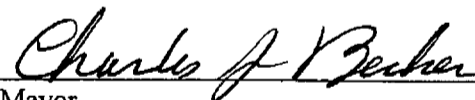
No: None

Absent: Bemis

Abstain: None



City Manager

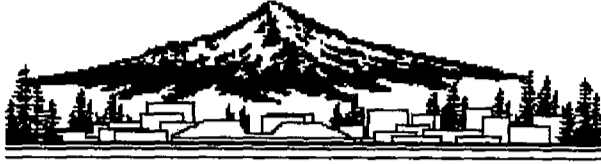


Mayor

Approved as to Form:



Senior Assistant City Attorney



Community Development Department  
City of Gresham

## CERTIFICATION OF MAILING

FILE NO.: CPA 05-6160 PROJECT: City of Gresham – Large Lot Subdivision Options  
I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE  
ATTACHED NOTICE OF FINAL DECISION TO THE FOLLOWING PARTIES:

**DECD**

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

Metro  
Growth Management Services  
600 NE Grand  
Portland OR 97232-2736

Carol Rulla  
5162 SE 28<sup>th</sup> Drive  
Gresham, OR 97080

John Davis  
4735 SE Welch Road  
Gresham, OR 97080

Pat Speer  
3752 SW 5<sup>th</sup> Court  
Gresham, OR 97080

Greg Hockert  
3246 SE Hall Court  
Troutdale, OR 97060

Jim Labbe  
5151 NW Cornell Rd.  
Portland, OR 97210

SIGNATURE: Tammy J. Richardson  
DATE OF MAILING: March 24, 2006