



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

February 16, 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 007-05

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: March 3, 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

<paa> ya

FORM 2

DLCD 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
(See reverse side for submittal requirements)

DEPT OF

FEB 13 2006

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Gresham

Local File No.: CPA 05-4848

(If no number, Use none)

Date of Adoption: 2/7/06

Date Mailed: 2/10/06

(Must be filled in)

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 10/27/05

- | | |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use regulation | <input type="checkbox"/> Other: _____
(Please Specify Type of Action) |

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

Amendments to the Gresham Community Development Code to 1) Amend the definition of "Family" to be consistent with definitions used by other Oregon jurisdictions and will limit the number of unrelated persons that can live in a residence; 2) Amend definition of "Residential Facility" to be consistent with State statute which limits these facilities to 6 to 15 individuals; 3) Amend the Code so that Residential Facilities would not be permitted in Gresham's Low Density Residential (LDR) and Transit Low Density Residential (TLDR) districts, consistent with State statute; 4) Establish lot size compatibility standards in the LDR district. This change would require new perimeter subdivision lots to be similar in size to existing adjacent parcels; 5) Amend the Code to require small lot subdivisions below 6,000 square feet to be processed as Planned Developments. This change is intended to improve the design quality of small-lot single-family residential development; 6) parking requirements for accessory dwellings.

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."

Same.

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 # 007-05
(14777)

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
Zip Code + 4: 97030-3825

City: Gresham, OR

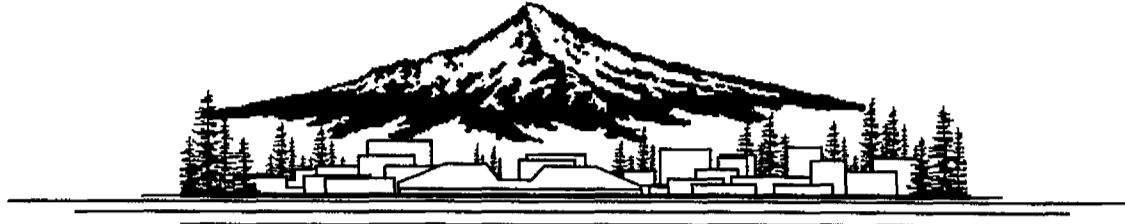
ADOPTION SUBMITTAL REQUIREMENTS

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.



CITY OF GRESHAM
Community & Economic Development Department
1333 NW Eastman Parkway
Gresham, Oregon 97030
(503) 618-2779

NOTICE OF FINAL DECISION

February 10, 2006

On February 7, 2006, the Gresham City Council Approved **Council Order No. 583** on the application of **City of Gresham** contained in **File No. CPA 05-4848 and Ordinance No. 1619** to amend the Gresham Development Code regarding **Residential Districts**.

An appeal of this decision may be filed with the Land Use Board of Appeals (LUBA) within 21 days of this Notice of Decision. LUBA has the jurisdiction to review all governmental land use decisions. An appeal of a land use decision must conform to the procedures and requirements of LUBA. They may be contacted in Salem at:

LUBA
550 Capitol Street, NE – Suite #235
Salem, Oregon 97301-2552
(503) 373-1265

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

CB 18-05

ORDINANCE NO. 1619

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, REGARDING TO REGULATIONS PERTAINING TO
RESIDENTIAL DISTRICTS

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 3.0010, Definitions, is amended as follows:

3.0010 - Definitions

~~Family. One or more persons related by blood, marriage, legal adoption, or guardianship, or a group of not more than fifteen persons all or part of whom are not related by blood, marriage, legal adoption or guardianship living together as a single housekeeping unit in a dwelling unit.~~

Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of residential homes as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Residential Facility: Residential facilities may consist of any one or any combination of the following, but in no case shall a combination of residential facility types exceed 15 persons:

- **Child Caring Facility.** A facility that provides, for between six or more and fifteen children (unmarried persons under 18 years of age), for day treatment for disturbed children; adoption placement services; residential care, including but not limited to foster care of residential treatment for children; or other similar services for children.
- **Residential Care Facility.** A facility that provides, for between six or more and fifteen physically disabled or socially dependent individuals, residential care in one or more buildings on contiguous properties as provided by ORS 443.400(5).
- **Residential Training Facility.** A facility that provides, for between six or more and fifteen mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties as provided by ORS 443.400(7).
- **Residential Treatment Facility.** A facility that provides, for between six or more and fifteen mentally, emotionally, or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by ORS 443.400(9).

Section 2. Volume 3, Development Code, Table 4.0120, is amended as follows:

Table 4.0120 – Permitted Uses in the Residential Land Use Districts

USES	LDR	TLDR	MDR-12	MDR-24	OFR
(A) Detached dwellings	P	P	P (on a lot of record)	NP	P (on a lot of record)
(B) Manufactured homes	P	P	P (on lot of record)	NP	P (on lot of record)
(C) Manufactured dwelling parks	NP	P	P	NP	NP
(D) Attached dwellings	NP	NP	P	P	P
(E) Single family attached dwellings	P ⁴	P	P ⁶	P ⁶	P ⁶
(F) Two-unit attached dwellings	P ⁷	P	P	P	P
(G) Accessory dwellings	P ¹	P ¹	NP	NP	NP
(H) Community services	P	P	P	P	P
(I) Accessory structures	P	P	P	P	P
(J) Home occupations	P	P	P	P	P
(K) Existing grazing, agriculture or horticulture uses	P	P	P	P	P
(L) Poultry and livestock	P ²	P ²	P ²	P ²	NP
(M) Temporary uses	P	P	P	P	P
(N) Parking or storage of not more than five motor vehicles per dwelling unit	P	P	P	NP	NP
(O) Residential Facility	P NP	P NP	P	P	P

Section 3. Volume 3, Development Code, Section 6.0200 -- Partitions and Subdivisions -- is amended to add Subsection 6.0212 and amend Subsection 6.0202 as follows:

Section 6.0212 – Perimeter Lot Size Compatibility Standard

Lot size compatibility shall be required if a proposed Low Density Residential (LDR) subdivision will abut and/or be separated by a local street or easement from existing LDR lots (vacant or developed). 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 (abutting or separated by a local street or easement) shall be separately calculated;
- (B) New residential lots, proposed to border existing residential parcels, shall be at least 90% (.90 x Avg. Area of existing lots) of the average existing lot size along that particular boundary;
- (C) If a proposed lot has two or more of its sides bordering existing lots (e.g. a corner lot) then its size shall be, at a minimum, the larger of the average existing lot 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;

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.

Section 6.0202 – Tentative Plan Submittal

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

Section 4. Volume 3, Development Code, Sections 4.0110 and 6.0001 are amended as follows:

Section 4.0110 Low Density Residential (LDR)

The Low Density Residential District is primarily intended for single-family detached and attached dwellings, manufactured homes, and two-unit attached dwellings 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.

Section 6.0001 - Purpose and Authority

(4) 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.

Section 5. Volume 3, Development Code, Section 10.0121 is amended as follows:

Section 10.0121 – Accessory Dwelling Standards

- ~~(D) No additional off-street parking spaces are required for the accessory dwelling unless the proposed accessory dwelling is created by conversion of a garage. Such conversion will require provisions for an additional two off-street parking spaces.~~
- (D) One off-street parking space, in addition to that which is required by the development code for the primary dwelling unit, shall be provided, or as many spaces deemed necessary by the approval authority to accommodate the actual number of vehicles used by both the occupants of the primary dwelling and the accessory dwelling, whichever is greater. Parking spaces include garage, carports or other off-street areas reserved for vehicles. However, other than being located in a driveway in front of a garage or carport, parking shall not be located in a required yard or setback area.

First reading: January 17, 2006

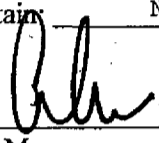
Second reading and passed: February 7, 2006

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

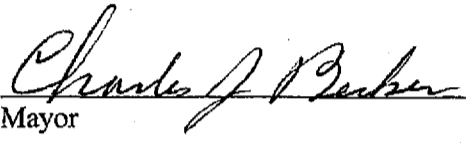
No: None

Absent: None

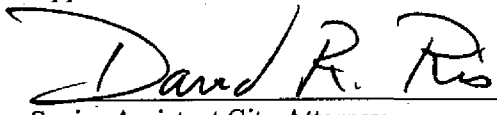
Abstain: None



City Manager



Mayor

Approved as to Form:


Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME) Order No. 583
3, DEVELOPMENT CODE, OF THE GRESHAM)
COMMUNITY DEVELOPMENT PLAN,) CPA 05-4848
REGARDING TO REGULATIONS PERTAINING TO)
RESIDENTIAL DISTRICTS)
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On January 17, 2006, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan. The amendments pertain to Residential District regulations regarding 1) definition of "Family"; 2) removing "Residential Facilities" as permitted uses in the Low Density Residential (LDR) and Transit Low Density Residential districts, and making Gresham's definition of "Residential Facilities" consistent with the state definition; 3) to require new subdivisions in the LDR district to create perimeter lots similar in size to those of abutting existing lots; 4) to require new subdivisions in the LDR district with one or more lots under 6,000 square feet to be developed as a Planned Development; and 5) add requirements for off-street parking for "accessory Dwelling" units.

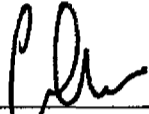
The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the January 17, 2006 meeting, and a decision was made at the February 7, 2006 meeting.

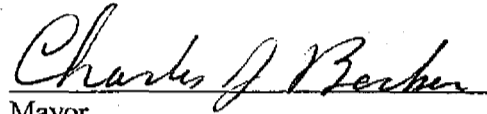
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: February 7, 2006



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 05-4848

A public hearing was held on December 12, 2005, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan pertaining to Residential District regulations regarding 1) Definition of Family; 2) Removing "Residential Facilities" as permitted uses in Low Density Residential districts and amending the definition; 3) Requiring new subdivisions in Low Density Residential district to create perimeter lots similar in size to those of abutting existing lots; 4) Requiring new subdivisions in Low Density Residential districts with one or more lots under 6,000 sq. ft. to be developed as a Planned Development; and 5) Requirements for off-street parking for "Accessory Dwellings" units.

The Commission closed the public hearing at the December 12, 2005 meeting, and a final recommendation to Council was made at the December 12, 2005 meeting.

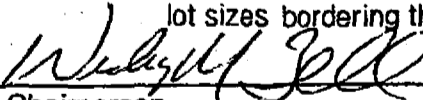
Wesley Bell, Chairperson, presided at the hearing.

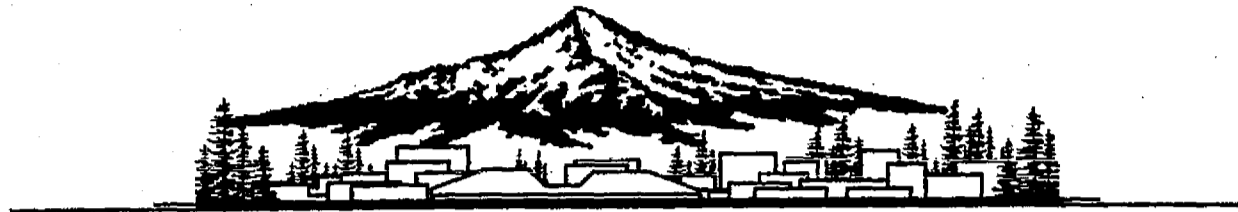
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of this Type IV Recommendation Order.

The Planning Commission recommends **ADOPTION** of the proposed Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached staff report with the following amendments:

For Proposal 3, also amend Section 6.0202 to add application submittal requirements as follows:

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


Chairperson
12/12/05
Date



MEMORANDUM

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

STAFF REPORT TYPE IV HEARING

**GRESHAM COMMUNITY DEVELOPMENT CODE TEXT AMENDMENTS
PERTAINING TO: 1) DEFINITION OF FAMILY; 2) DELETING "RESIDENTIAL
FACILITY" AS A PERMITTED USE IN LOW DENSITY RESIDENTIAL DISTRICTS
AND AMENDING THE DEFINITION OF RESIDENTIAL FACILITY; 3) REQUIRE NEW
SUBDIVISIONS IN LOW DENSITY RESIDENTIAL DISTRICTS TO CREATE LOTS
SIMILAR IN SIZE TO THOSE OF ABUTTING LDR RESIDENTIAL LANDS; 4)
REQUIRE SUBDIVISIONS IN LOW DENSITY RESIDENTIAL DISTRICTS WITH ONE
OR MORE LOTS UNDER 6,000 SQUARE FEET TO BE APPLIED FOR AS PLANNED
DEVELOPMENTS; AND 5) AMEND ACCESSORY DWELLING STANDARDS TO
REQUIRE OFF STREET PARKING**

TO: City of Gresham Planning Commission

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

HEARING DATE: December 12, 2005

REPORT DATE: December 2, 2005

FILE NUMBER: CPA 05-4848

PROPOSAL: To amend the Gresham Community Development Code pertaining to:

- 1) Changing the "Definition of Family" (GDC Section 3.0010) to that similar to the definitions commonly used by other jurisdictions in the Portland area that reasonably limit the number of unrelated persons that may occupy a dwelling unit;
- 2) Deleting "Residential Facility" as a permitted use in Low Density Residential Districts (GDC Section 4.0100, Table 4.0120(O)) and making the definition of "Residential Facility" (GDC Section 3.0010) consistent with state statute (197.660);
- 3) Change "Partitions and Subdivisions" (GDC Section 6.0200) by adding Subsection 6.0212, "Perimeter Lot Size Compatibility Standards" that would require new LDR lots

- created by a subdivision to be similar in size to abutting existing lots or those separated by a local street or easement;
- 4) Changing the definition of "Low Density Residential" (GDC Section 4.0110) and the Purpose and Authority section (GDC Section 6.0001) to require that new subdivisions within the LDR District that include one or more lots of less than 6000 square feet be developed as a Planned Development;
 - 5) Amending Accessory Dwelling Standards (GDC Section 10.0121 (D)) to require off street parking for new accessory dwellings.

EXHIBITS:

- A. Council Bill 18-05 -- Proposed Development Code Text Amendments

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Community Development Code amendments contained in Council Bill 18-05.

SECTION I BACKGROUND INFORMATION

The above five amendments to the Gresham Community Development Code are the result of many months of study by the City 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 included assisting the Planning Commission and the City Council in their review of land use related issues that came to light through the 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. The specific recommendations deal with topics such as:

- Actions to ensure more cohesive, stable and livable residential neighborhoods;
- Higher quality residential living environments, including site, building design and construction quality;
- Greater housing choice including those seeking single-family residential housing;
- Compatibility of new development with existing neighborhoods;
- Open-space preservation and protection of the natural environment;
- Obligatory design standards for the Gresham Regional Center Area.

These proposed amendments are the first installment of the task force's many recommendations and have been directed by the Gresham City Council. Other changes to the land use program may follow at subsequent direction of the City Council. The particular Code amendments fall into Task Force created categories of: 1) improving neighborhood quality and/or value, or 2) enhancing community design quality.

Staff has undertaken an extensive analysis of the proposals and their conformance with applicable Comprehensive Plan goals and policies. Through this analysis important findings and conclusions were made, some of which are summarized as follows:

The City has found that Development Code provisions pertaining to the definition of family, definition of residential facilities and the permitting of residential facilities in Low Density Residential Districts has resulted in unintended consequences, such as the potential for commercial single room occupant / boarding houses in Low Density Residential Districts. Furthermore, the current definition of "Residential Facility" presents the opportunity for large-scale and incompatible institutional uses to be located in Low Density Residential Districts. The City has concluded that these circumstances are not in Gresham's best interest and it is the responsibility of the City's Land Use Program to provide the means to promote the cohesiveness and stability of its single-family residential neighborhoods.

The staff report also concludes that this and other Code amendment actions are consistent with state statute, statewide planning goals and with the Metro Functional Plan. For example, amendments to the definition of residential facility mirror the definition of state statute.

The City has also found that the proposals to: 1) establish a perimeter lot size compatibility standard, and 2) require subdivisions with one or more lots less than 6,000 square feet to be applied for and processed as planned developments, are also necessary to promote the quality and stability of residential living environments. The City has concluded that this can be accomplished by providing for density transitions between higher and lower density residential neighborhoods and improving the design quality of small lot residential development

Furthermore, the City has found that the proposed changes to the Gresham Development Code do not materially change the opportunity for housing for persons with special needs or those with low and moderate-income housing. As stressed above, the City's actions are consistent with state law, statewide planning goals, Metro Functional Plan requirements and its own comprehensive plan. Larger institutional uses in residential facilities that are to be deleted as allowed uses in low residential districts still have the opportunity to be located in other districts that allow multi-family uses. It is the City's position that these other areas are much better locations, because of more readily available access to goods, services, transit facilities and proximity to residential uses of similar density.

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

Finally, the City finds these proposed changes, from a land use perspective, do not impact the availability of housing for low and moderate-income persons. The following findings indicate that Gresham has substantial housing for persons in the 51% to 80% of median family income (MFI) -- both apartments and single-family homes. However, Gresham like other Portland Metro Area communities lacks housing for persons for income levels 51% of MFI and lower. This is a regional and statewide problem. Gresham, like other communities, does not have the resources to provide the subsidies necessary to address this entire need. The City does however allocate Federal Housing and Urban Development funds that become available to specific housing programs through

its Community Revitalization Program. Furthermore, the City participates with the Housing Authority of Portland to facilitate housing to families with very low incomes.

Results of Planning Commission Work Sessions

The Planning Commission held its last public work session on these proposals on October 24, 2005. There were two changes that are important to note for the record.

Perimeter Lot Size Compatibility Standard and Planned Development Requirements for Small Lot Single – Family Residential Subdivisions: It needs to be noted that originally both these proposals would have required all land divisions (subdivisions and partitions) be subject to the new standards. The Planning Commission, in work session, directed staff to apply the proposed compatibility and planned development standards to subdivisions only. This is because the Commission wished to address the issue of infill, flag lots and partitions separately. It was noted that some persons have likely viewed their oversized lots as investments. The Commission was concerned about the effects of this standard on individual property owners that might partition a new lot or two out of existing properties. Also the Planning Commission feels that the partitioning of oversized residential lots represents a type of small infill projects that have different impacts and characteristics than subdivisions and therefore should be discussed separately.

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 -- Goal; Policies 1, 4, 9, 12, 23
- 10.100 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 11
- 10.311 Residential Land Use – Policy 2
- 10.610 Housing -- Policy 1

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

The proposed amendments to Volume 3, Gresham Development Code, are consistent with all applicable criteria and procedures of the Community Development Plan as indicated by the following findings and conclusions.

Community Development Code Procedures

Section 11.0400 – Legislative Actions: These amendments to 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 the requirements of this article.

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, which relate directly to this proposal. Findings are provided to illustrate how the proposal conforms to the Community Development Plan.

Applicable Criteria: Goal 2, Land Use Planning, Section 10.14, Applicable Criteria – Goal, Policy 1

- 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.

Findings: Among the reasons to make the proposed changes to the Community Development Code are to: 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 and are in the City's best interests.

Proposal 1: This proposal would change the Gresham Development Code's Definition of Family

At present, the GDC's definition of family allows up to 15 unrelated individuals to reside in one dwelling unit. The origin of the current Code language goes back to 1996 when the definition of family was changed from one that was more like that of other jurisdictions, to one that allowed many more unrelated persons to reside in a dwelling. The City Council at that time made the decision to expand the number of unrelated persons that could live in a dwelling to accommodate "Residential Facilities", as used in ORS 197.660 to 197.670, 215.213, 215.263, 215.283, 215.284 and 443.422. For example, part of the statute states that residential facilities were to be allowed outright in multi-family residential districts to "provide residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related."

However, the definition that was adopted -- that which is currently in place -- did not specify that accommodating such a high number of unrelated persons in single-family residential home was to occur only in a state-licensed residential care facility. Consequently, there were unforeseen consequences. For example, the City has received complaints of homes being rented to large numbers of unrelated persons that do not require "care". Concerns have arisen that this situation allows single-family homes to be used for "boarding house/single room" occupancy type uses.

Without an up-to-date definition of family, the City cannot easily prevent or abate the negative consequences of these situations through enforcement of City Code. It is found that this situation is

not conducive to the intent of the City's Residential Districts to provide safe, stable, and quality living environments. It is also in the City's best interests to prevent fire, life and safety hazards associated with possible overcrowding of residential units.

The degree to which the City's "definition of family" is out of step with current practice is evidenced by the following definitions from other communities. As shown below, other communities in the Portland Metropolitan area do not allow as many unrelated persons in a single-family home as does the City of Gresham. Therefore, it is found that in order for the Development Code to be up to date with current and accepted land use planning practice and with expressed community desires it is necessary to amend the Community Development Code's definition of "family".

City of Oregon City, Oregon 2005 Zoning Code Definition of Family:

Family. Means an individual or two or more persons related by blood, legal adoption, guardianship, or marriage, plus not more than five additional persons, including foster and shelter care persons, or up to five unrelated persons, all living together as a single housekeeping unit in a dwelling unit. Every additional group of five or less persons living in such housekeeping unit is considered a separate family. Facilities that are operated for the purpose of providing care that includes a planned treatment or training program, with the exception of foster care of five or fewer persons, are not "families." (Prior code §11-1-6 (part)).

City of Hillsboro, Oregon 2005 Zoning Code Definition of Family

Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

City of Beaverton, Oregon, 2005 Development Code Definition of Family

Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

City of Lake Oswego, Oregon 2005 Development Code Definition of Family

Family: An individual or two or more persons related by blood, marriage, legal adoption, or associated by guardianship, conservatorship or a foster care relationship, or a group of not more than five persons not so related or associated living together in a dwelling unit as a single housekeeping unit.

It is important to note that the City's efforts to address the issue of multiple, unrelated persons occupying single-family homes does not prevent the continued use of a dwelling pursuant to ORS 197.660(2) for "group home." This statute requires that local jurisdictions allow a single-family

dwelling to be used for care of five or fewer individuals in a "group home" provided state rules and regulations are complied with.

Furthermore, changing the definition of family to one that is consistent with current common practice is not contrary to other state laws, statewide planning goals or Metro rules. For example, this action does not affect the City's compliance with Metro Functional Plan Title 1, Table 1 relating to Citywide Housing Capacity. Neither does this action affect the City's Compliance with Statewide Planning Goal 10, Housing. Also, the City in its Periodic Review Submittal of 2003-04 exhibited that the City complies with Statewide Planning Goal 10. In this regard, the City has inventoried its buildable residential lands. Its Community Plan Map designations 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. Also, The City's residential Plan Map designations allow for flexibility of housing locations, types and densities.

Making these changes to the Community Development Code will not affect low and moderate-income housing opportunities. For example, 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 beginning at this price and lower, are affordable to families making 51% to 80% of median family income based on 80% of 2004-2005 FHA mortgage limits.

Also, apartments in Gresham are generally more affordable than elsewhere in the region. 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.

Per state and federal law, 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 housing opportunities.

Proposal 2: This proposal would delete "Residential Facility" as a permitted use in the LDR and TLDR Districts and amend the Title 3, "Definitions" of the Development Code to make the definition of residential facility consistent with that of state statute (197.660 91) as follows:

"Residential Facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility."

It is found that the City's current definition of residential facility is not consistent with state statute. In contrast to the above, the City's definition of "Residential Facility" allows facilities that provide

care for six or more persons to be sited in low-density residential districts. Essentially, under the existing definition, there is no limit on the number of persons that could be housed in a Residential Facility in a Low Density Residential District. The current code language establishes a "floor" of six persons needing care in residential facilities but does not establish an upper limit.

Also, it is found that the City's current definition of "Residential Facility" has had a variety of unintended negative consequences. For example, because Residential Facilities are currently allowed in LDR districts, and there is no cap on the number of residents, applications have been made to site large care facilities, including post-incarceration facilities, in single-family districts.

It is found that this situation presents the prospect of single-family residential neighborhoods bearing the incompatible impacts of multi-family type/institutional land uses. These impacts include physical scale and bulk of large buildings and the operation and logistic characteristics of institutional uses. It is further determined that it is in the best interests of the city as a whole that these uses be located in more suitable land use districts. For example, they are allowed per state law in districts where multi-family uses can be sited. Furthermore, the City has specific processes, standards and criteria for application to site "community service uses."

This action by not allowing residential facilities in single-family residential districts will assure existing and future residents of their neighborhood's land use stability, while continuing to allow residential facilities in other land use districts.

Proposal #3 - Perimeter Lot Size Compatibility Standard

The Council-appointed Community Land Use Task Force and the Planning Commission discussed at length the negative impacts that higher-density land divisions can have on adjacent established neighborhoods that are of lower density. Impacts include abrupt changes in density (i.e. small lots abutting large lots); the incompatible mass and scale of new dwellings next to older dwellings, loss of privacy, etc. Other impacts noted were loss of green space, smaller yards and setbacks; inability to plant trees and negative affects on neighborhood streets whereby one side of the street would be fronted with multiple building facades, garages and curb cuts, all which often presents an uninviting pedestrian environment.

It is found that it is in the City's interest to address these concerns and provide for more effective transitions in residential density by requiring conformance to lot size compatibility standards if a proposed Low Density Residential (LDR) subdivision will abut and/or be separated by a local street or easement from existing lots (vacant or developed). This standard will require such lots to have lot areas at least .90 (or 90%) of the average existing lot sizes along each side of a subdivision site, but no larger than 10,000 square feet.

This standard is proposed because abrupt changes in density affect the established character of residential districts and impinge on the ability of existing residents to enjoy the use of their property. Per citizen comment, this is necessary to maintain the integrity and stability of existing neighborhoods and promote continued investments in housing.

It needs to be noted that originally this proposal and the following pertaining to small lot residential subdivisions to be submitted as planned development would have required that both subdivisions and partitions be subject to new standards. The Planning Commission, in work sessions, directed staff to apply the proposed compatibility and planned development standards to subdivisions only.

This is because the Commission wished to address the issue of infill, flag lots and partitions separately. It was noted that some persons have likely viewed their oversized lots as investments. The Commission was concerned about the effects of this standard on individual property owners that might partition a new lot or two out of existing properties. Also the Planning Commission feels that the partitioning of oversized residential lots represents small infill-type projects that have different impacts and characteristics than subdivisions and therefore should be addressed separately.

Proposal #4: Require subdivisions with one or more lots less than 6,000 square feet to be applied for and processed as planned developments

The Community Land Use Task Force and the Planning Commission have heard many concerns about the design quality of small lot, single-family residential development. This is especially in the context of very rapid population growth during the last decade and the commensurate increase in the number of housing units in Gresham. These concerns mainly relate to streetscape aesthetics, lot size compatibility with adjacent neighborhoods, architectural design quality, house construction/materials quality, vehicle parking, and integration of open space within new developments and protection of significant natural features.

There have been a significant number of small-lot residential subdivisions built in Gresham during the last several years. Many citizens have expressed concerns about the above issues of design quality, lack of housing type variety, loss of green space, etc. The City finds that in order to achieve higher quality living environments and reach a balance between small-lot single-family housing and housing with more design character and quality, it is necessary to institute measures that require higher design quality.

Also the City finds that more in-depth design review through the Planned Development process is needed of small lot, single-family residential developments to ensure higher levels of compatibility with existing residential development and to create higher quality living environments. The Planned Development process will allow the City through its Planning Commission, to evaluate and modify the design features of a proposed residential development to a much greater extent than provided by normal subdivision approval process.

The City finds that this action and others above is necessary to update the Development Code so as to improve the quality of the City's residential living environments and the variety of its single-family residential housing choices.

Proposal #5: Require off-street parking for new accessory dwelling units

Currently the Gresham Development Code does not require accessory dwelling units to provide for off-street parking except in circumstances where the garage of a single-family home is converted to an accessory dwelling. It is noted that this circumstance may contribute to congestion and excessive on-street parking. These conditions can affect the quality and character of the City's residential districts, such as contributing to traffic hazards, interfering with delivery of services and access by waste disposal and emergency vehicles. It is proposed to amend the GDC as above to require new accessory dwelling units to provide at least one off-street parking in an area and not reserved for setbacks or required yards.

It is found that for the above reasons, requiring off-street parking for accessory units is in the best interests of the city as a whole. Furthermore, this action does not affect the City's compliance with

Metro Functional Plan Title 2, Parking; Title 1, Housing and Employment Accommodation Capacity.

Conclusions

It is concluded pursuant to the above findings and reasons the five proposals to amend the Gresham Development Code are in compliance with Comprehensive Plan Goal 2, Land Use Planning, Section 10.014 – Goal and Policy 1.

Applicable Criteria, Section 10.014, Goal 2, Policy 4,

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:

The City of Gresham finds that, in order for it's land use program to better assist in the creation and maintenance of stable, viable Low Density Residential neighborhoods, it is necessary to make the proposed amendments to the Development Code. The City finds for the above expressed reasons that these actions are necessary to advance the City's livability whereby it's Low Density Residential development are predictable places to invest and live, and which also offer a wider range of residential living environments. In summary these actions are necessary to advance the City's quality of life as follows:

The current definition of family has had unintended negative consequences on residential neighborhoods. It has created an unpredictable situation whereby dwelling units could be converted to commercial rental uses (boarding houses / single room occupancies), where up to 15 unrelated people could occupy a single unit. As stated above this has a number of negative consequences that have been described previously and which are incorporated herein by reference.

The City finds that the uncertainty of what kind of neighboring land use could locate next to a single-family home for example, is a disincentive to private investment in Gresham's housing stock and contrary to City's policy to advance the social and fiscal stability of its residential neighborhoods. Thereby, it is found that changing the definition of family to limit the number of unrelated persons that could occupy a residential dwelling removes this uncertainty and creates a more predictable/stable residential environment.

Similarly, the prospect of large residential care facilities, locating in single-family neighborhoods, also creates uncertainties which could affect the stability of the City's residential districts. The above example whereby an application was received from a government agency for a "care facility" post-incarceration facility is a case in point. It is found that these types of land uses are not compatible with the physical and social environments of Gresham's single-family residential districts and that other areas are better suited.

Therefore, it is found in order to enhance the viability/stability of Gresham's Low Density Residential (LDR) neighborhoods, it is necessary to not allow Residential Facilities in LDR land

use designations, and to change the City's definition of Residential Facility to be consistent with state law.

The City also finds that the character and quality of its Low Density Residential districts are negatively affected by abrupt changes in density that occur when small lot subdivisions are developed and directly abut lower density residential areas. As previously noted there are other negative impacts that are incorporated into these particular findings by reference.

It is found that the City's land use program should provide the means to protect the stability and quality of existing residential development, therefore, the proposed perimeter lot compatibility standard will accomplish this by ensuring a means to ensure density transition between lower and higher density residential districts.

The Community Land Use Task Force and Planning Commission have heard many concerns about the design quality of small lot single-family residential development. These concerns are expressed in detail in the above findings, which are also incorporated into these particular findings by reference. The City finds that providing for more in-depth design review of small lot residential subdivisions, through the Planned Development (PD) process, will enhance these developments' compatibility with Gresham's existing urban environment. This will occur through design controls on lot patterns, building placement, vegetation removal, building style, street alignment etc. The City also finds that PD design review will create more attractive and livable small lot residential environments that, per the documented experience of other communities, contribute to the stability and well being of residential neighborhoods and the city as a whole.

Also, the City seeks to enhance the character and quality of its residential neighborhoods by ensuring accessory dwellings provide for off-street parking. This action is intended to address the impacts of on-street parking of accessory dwelling units in residential neighborhoods. The description of these impacts are described above and incorporated into these particular findings by reference.

Conclusion: Per the findings and reasons described above, it is concluded that the City complies with Section 10 .014, Goal 2 , Land Use Planning, Policy 4.

Applicable Criteria, 10. 014, Goal 2, Land Used Planning, Policy 9 and 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: They City shall establish design standards to assure quality development and enhance the community's attractiveness and livability.

Findings: The City, by proposal to require perimeter lot size compatibility standards, seeks to enhance the community's attractiveness and livability by ensuring density transitions between higher and lower-density residential neighborhoods. This action is also intended to reduce other design related impacts associated with crowding dissimilar building types together, such as incompatible mass, scale and height relationships, preservation of more green space, and maintenance of the character of residential streets. These circumstances are described in more detail above, the findings related to which are incorporated into these particular findings by reference.

The City also seeks to assure the presence of quality development and to enhance the community's attractiveness and livability through adoption of the above standards that require subdivisions that include lots less than 6,000 square feet to be applied for as Planned Developments. Per the above findings, the Community Land Use Task Force and Planning commission has heard many concerns about the design quality of small lot, single-family residential development. Per the above findings, which are incorporated into these particular findings by reference, it is found that more in-depth design review is needed to ensure small lot residential developments are more compatible with existing residential development and to create a higher quality living environments. The Planned Development process will allow the City, through the Planning Commission, to evaluate and modify design features of a proposed residential development to a much greater extent than provided by the existing Type 2 subdivision approval process.

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

Applicable Criteria, Section 10.014, Goal 2, 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 either 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, Policy 23.

Applicable Criteria, 10.100 Citizen Involvement, 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: Both the concepts and details associated with these Community Development Code Text Amendments (CPA 05-4848) have been the subject of almost eighteen months of public discussion before the Community Land Use Task Force and Planning Commission. During this long period of development numerous drafts of these proposals were distributed to neighborhood associations, interested citizens, and other parties. In addition staff has met with interested stakeholders such as Neighborhood Associations¹ and Development Advisory Group (DAG) to discuss the proposals and receive their input. Furthermore, both the Planning Commission and City Council has held public work sessions and policy discussion on these and related matters. These proposals have also been the subject of news stories with articles appearing in both the Gresham Outlook and Oregonian newspapers.

These proposals were subject to the notice requirements of ORS 227.185, instituted by Ballot Measure 56. Consequently 21,300 individual notices were sent to property owners explaining the proposals and offering the property owners the opportunity to call and discuss them with staff. Also, public notices, per state law, regarding the Commission's public hearing were placed in the local paper. The Planning Commission staff report and proposed Council Bill 18-05 were available for public review 10 days ahead of the hearing.

Conclusion: It is concluded pursuant to the above findings and reasons that the proposal to amend the Development Code complies with the applicable Goal 1, Citizen Involvement Goal and Policies.

Applicable Criteria, Residential Land Use, 10.311, Residential Land Use; Policy 2:

Policy 2: It is the City's policy to establish location criteria for different housing types; to require a planned approach to the development of multiple unit housing through a process which requires site design review and encourages design compatibility with established residential areas; to employ buffering and screening standards to facilitate compatibility between different housing types; and to maintain the livability of existing neighborhoods by providing a full range of urban services.

Findings: The proposed amendments to the Gresham Development Code (GDC) are intended to amend specific locational criteria for a specific kind of housing / residential facilities as defined by state statute. In this regard, proposal 2 is consistent with state law in that it would continue to allow group homes outright within single-family residential districts and residential facilities within land use districts that allow multi-family housing. The proposed GDC changes also seek to facilitate compatibility between different housing types, such as between existing low-density residential housing and higher density single-family subdivisions. This will be accomplished by the perimeter lot size compatibility standards, which will provide density transitions between existing development and new higher density single-family subdivisions. In addition, compatibility between differing land uses will also be achieved through the proposal to require small lot single-family development to be applied for as planned developments. The City finds that higher levels of design

¹ Staff met with the Kelly Creek Neighborhood Association on November 5, 2005

review will result in greater compatibility between existing development patterns and new small lot residential subdivisions.

Conclusion: It is found that for the above reasons the proposed amendments to the Gresham Development Code implement Residential Land Use Policy 2

Applicable Criteria: 10.600 Housing, 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 amendments is to provide the means whereby the City's Land Use Program can promote stable and safe residential environments that are predictable places for people to live and invest in. This is important for all persons regardless of income categories - those who rent or who may be buying their first house and/or those who are moving into larger more expensive homes. Furthermore, it is important for the City to have the tools to prevent public safety problems, especially fire, life and safety issues associated with overcrowding such as when dwelling units are converted into boarding house/single room occupancy establishments.

The City of Gresham also wishes to ensure the availability of higher quality, better designed housing to all its residents that can accommodate a wide array of family/household types. This is the primary reason for the proposed requirements that subdivisions with lots less than 6,000 square feet be applied for as Planned Developments. Also, it is the City's desire to promote the continued viability/stability of existing residential neighborhoods. This is one of the reasons why the proposed perimeter lot size standard is proposed - to provide a density transition between potentially incompatible higher density residential subdivisions.

It is the City's position that the proposed changes to the Gresham Development Code do not materially change the opportunity for housing for those persons with special needs. The City's actions are consistent with state law as it pertains to providing group home and residential care facilities. Furthermore the City has found that its actions are consistent with Statewide Planning Goal 10. Group homes will still be allowed in single-family residential districts. The City's actions do not interfere with the demand for and development of this type of residential care. However, the City finds that that it is not good land use policy to allow larger-scale care facilities or institutional uses to be located in single-family residential districts. It is better land use policy to ensure the City's land use regulations conform to state law and allow care facilities between 6 and 15 persons to be located in those land use districts where multi-family units are allowed. Typically, within these districts there are commercial uses, transit services, close by medical and other personal services needed by those who require ongoing care. It is the City's position that these locations are far better suited than residential neighborhoods. Thus the City finds that it is in its best interests to promote the character and stability of its residential neighborhoods by requiring residential facilities to be located/sited consistent with state law. Furthermore, as it pertains to larger institutional care uses, the City provides for these via its "Community Service" standards.

Conclusion: It is concluded that the proposal complies with Housing Policy 2 for the reasons and findings described above.

SECTION V
CONSISTENCY WITH METRO URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN AND STATEWIDE PLANNING GOALS

The Gresham Community Development Plan is consistent with the Metro Functional Plan and Statewide Planning Goals and 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 as above will not affect the implementation of Metro Functional Plan Titles 2, 3, 4, 5, 6 or 7. Furthermore, these changes do not affect any land use designations that would significantly affect the City's compliance with Title 1, Housing and Employment Capacity.

However, there will be a slight impact to Title 1. It is acknowledged that amending the Development Code to require Perimeter Lot Size Compatibility may impact the overall number of housing units that could be yielded by the City's available developable land. In turn this could affect the City's ability to achieve its Housing Capacity target. However, any loss of housing units is likely to be very small and will more than likely be made up by the City's efforts to increase residential capacity of its Centers and Corridor's. Also, the City is currently engaged in a Regional Center Development Strategy that anticipates significantly increasing the residential density/capacity of its Regional Center. For example, increasing the allowed height of buildings could by itself significantly increase residential capacity of these areas. Furthermore, the City is engaged in a redevelopment program of the Rockwood Town Center and surrounding areas. As in the Regional Center, this project seeks to increase the urban development density/intensity of the Town Center area.

The reasons that the impacts on the City's Housing Capacity target are small is that most of Gresham's easily developed residential land has been built upon. Currently there are about 290 acres of vacant and developable low-density residential land distributed in relatively small parcels throughout the city. This would translate to about 232 net buildable acres. Applying the City's maximum LDR density of 8.71 units per acre (5,000 sq. ft. lots) these lands could yield 2,020 units. At a minimum density of 6.22 units (7,000 sq. ft. lots) per acre, the yield would be 1,443 units. Assuming that about 60 acres of land along the boundaries of these properties would be affected and that an average of 7,500 sq. ft. lots would be required to address the standard, "a lost residential development opportunity" of about 175 units² would result.

It is the City's position that this is inconsequential relative to Metro Title 1 in view of the City's overall Title 1 2017 housing capacity target of 16,817 additional units (to be provided within existing city limits between 1994 and 2017). Furthermore, as previously stated the City's efforts to increase densities and residential capacities in its centers and corridors will, in the next few years, offset this small loss in housing capacity. As an example, more residential units are currently being built in the City's Civic Neighborhood than was anticipated. Civic Neighborhood by itself could

² (60 acres x 8.71 Du/Ac = 522 units; 60 acres x 5.8 Du/Ac = 348 units; 522 - 348 = 175 units.

possibly make up for the lost housing production that would result from the Perimeter Lot Size Compatibility proposal.

Conclusion: Based on the above findings, the proposed amendments to the Development Code, with the exception of the Perimeter Lot Size Compatibility Standards, do not affect the Metro Functional Plan. The effects of instituting the Lot Size Perimeter Standards on the City's Housing Capacity targets are negligible. It is probable that ongoing and future housing production within the City's Centers will be in excess of that which has been anticipated. This will more than make up for the small amount of lost single-family residential housing capacity.

Therefore the City finds that the benefits of providing for Density Transitions between existing neighborhoods and new higher density subdivisions far outweighs the downside of not building 175 single-family units in the context of a citywide Title 1 Housing Target of 16,817 units. The effects of losing this minimal amount of housing capacity is further mitigated by the likelihood that it will be made up by future development in the City's centers.

Statewide Planning Goals

Findings: The proposal is applicable to State wide 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. The proposed changes to the Development Code do not affect 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.

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 that discourages 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 at the last City of Gresham periodic review acknowledged and accepted by LCDC in 2004.

Conclusion: The proposal complies with Statewide Planning Goal 10 for the reasons provided above.

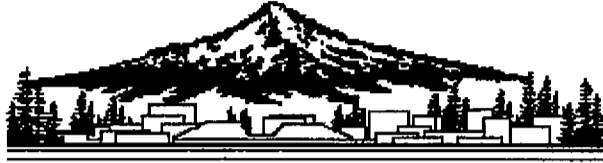
**SECTION VI
OVERALL CONCLUSION**

The proposed Plan text amendments attached as Exhibit A are consistent with applicable criteria, including the policies of the Community Development 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 Plan text amendments as contained in proposed Council Bill No. 18-05, Exhibit A.

End of Staff Report



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 05-4848 PROJECT: City of Gresham – Residential Districts Amendments
I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF FINAL DECISION TO THE FOLLOWING PARTIES:

DLCD

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Salem, OR 97301-2540**

**Metro
Growth Management Services
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Portland OR 97232-2736**

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