



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

May 29, 2007



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 002-07

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: June 11, 2007

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 Humphrey, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Jonathan Harker, 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
DEPT OF
MAY 22 2007
MAY 22 2007
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Gresham

Local File No.: CPA 06-373

(If no number, Use none)

Date of Adoption: 5/15/07

(Must be filled in)

Date Mailed: 5/21/07

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 2/22/07

(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 related to the Pleasant Valley Plan 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."

As described on the attached supplemental page to this Notice of Adoption.

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2, 10 & 14

Was an Exception Adopted? Yes: _____ No: X

DLCD #002-07 (15899)

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, City of Portland (Jay Sugnet, Bureau of Planning)

Local Contact: Jonathan Harker, Principal Planner

Area Code + Phone Number: (503) 618-2502

Address: 1333 NW Eastman Parkway

City: Gresham, OR

Zip Code + 4: 97030-3825

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.

DLCD NOTICE OF ADOPTION
Supplemental

Describe how the adopted amendment differs from the proposed amendment:

Section 4.1402: added language that master plans required before and concurrent with land divisions and site design review.

Table 4.1407: single family attached dwellings (2 units) and single family attached dwellings (3 or more units) as residential permitted use types.

Table 4.1408A: established minimum lot size requirements for single family attached (2 units and 3 or more units) in LDR-PV. When and how alleys can be used clarified.

Section 4.1441 and Section 4.1442: clarified that permits from Corp of Engineers or Department of State Lands are required when doing utility or right-of-way work in streams. Specifies that work can be done during the time specified by the Oregon Department of Fish and Wildlife.

Section 4.1465: restricts fencing to maximum 4 feet height within four feet of an ESRA-PV area.

Section 4.1473: specifies submittal requirements for master plans.

Section 4.1476: adds housing variety criteria option regarding use of alleys.

Section 4.1479: adds submittal requirements for circulation network for master plans.

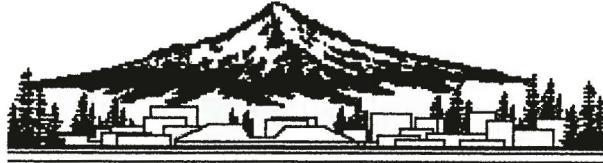
Section 4.1484: clarifies density approval criteria requirements regarding master plans.

Sections 4.1490 – 4.1492: deletes Planned Development provisions – no longer required when proposing 5,000-5,999 square foot detached dwellings in LDR-PV or 3,000-5,000 square foot detached dwellings in MDR-PV.

Section 9.0712: provides that approved Master Plan can satisfy Future Street Plan requirements.

A5.402: provides that street requirements can be as approved by master plan.

Sections A6.090, A6.110, A6.130, A6.132, A6.133: adds Pleasant Valley and Springwater Plan sub-districts to sign code provisions.



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 06-373

PROJECT: City of Gresham – PV Amendments

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

DLCD

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

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

**Henry Gerhard
11815 NE 99th St. #1200
Vancouver, WA 98671**

**Ryan Givens
5415 SW Westgate Drive
Portland, OR 97221**

**Bruce Hoyt
Alpha Community Dev.
501 NE Hood
Gresham, OR 97030**

SIGNATURE: Tammy J. Richardson
DATE OF MAILING: May 21, 2007

BEFORE THE CITY COUNCIL OF THE

CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 3,)	Order No. 599
DEVELOPMENT CODE, OF THE GRESHAM)	
COMMUNITY DEVELOPMENT PLAN TO AMEND)	CPA 06-373
THE PLEASANT VALLEY PLAN DISTRICT)	
DEVELOPMENT CODE AND RELATED)	
DEVELOPMENT CODE PROVISIONS)	

On May 1, 2007, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan to amend the Pleasant Valley Plan District Development Code and related Development Code provisions. The amendments to the code are needed to implement the Pleasant Valley Plan.

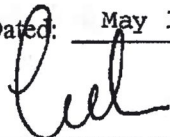
The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the May 1, 2007 meeting, and a decision was made at the May 15, 2007 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: May 15, 2007



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 06-373

A public hearing was held on April 9, 2007, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan relating to the Pleasant Valley Plan District, including provisions regarding the Pleasant Valley master plan and plan development procedures and requirements; making minor corrections and clarifications; and updating and clarifying cross references.

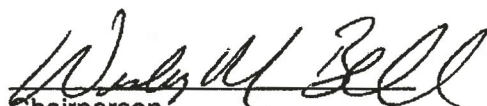
The Commission closed the public hearing at the April 9, 2007 meeting, and a final recommendation to Council was made at the April 9, 2007 meeting.

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 Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the March 29, 2007 staff report with the following exceptions, additions and/or changes:

NONE


Chairperson

4-9-07
Date



MEMORANDUM

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
New Communities & Annexations**

**STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
PLEASANT VALLEY PLAN DISTRICT CODE AMENDMENTS**

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Principal Planner, Comprehensive Planning Supervisor

Hearing Date: April 9, 2007

Report Date: March 29, 2007

File: CPA 06-373

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Pleasant Valley Plan District including provisions regarding the Pleasant Valley master plan and plan development procedures and requirements; making minor corrections and clarifications; and updating and clarifying cross references.

Exhibits: 'A' -- Draft Amendments to Volume 3 of the Gresham Community Development Code
'B' -- Planning Commission Work Session Comments
'C' -- Working Set of 3/12/07 Planning Commission Work Session Minutes (draft)

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

SECTION I BACKGROUND INFORMATION

Background

On Council direction the City has engaged the public in a City-initiated master plan of three planned neighborhoods that are within the recently annexed Pleasant Valley area and subject to the Pleasant Valley Plan District development code requirements. The development code requires the Planning Commission to approve a master plan showing more detailed plans on street and block layout, neighborhood design, interface with natural resources, housing variety and other issues. It can be seen as an intermediate step between the adopted Pleasant Valley plan and subsequent land division and/or site design review development plans.

During the City-initiated master plan process seven workshops and two open houses were held. Pleasant Valley wide mailings were made and information was posted on the City web site. Participants in the workshops and open houses included property owners and developers and their professional representatives. The process involved developing a series of master plan block and street layouts and lotting/housing pattern drawings.

In this master plan process a number of code issues with the Pleasant Valley Plan District were identified by the participants including an active development community and by city staff. The lessons learned were that some code needed clarification while other code provisions were making implementing the Pleasant Valley plan impractical. In October 2006, staff sought direction from the Council regarding these lessons learned. Issues discussed with the Council included:

- A requirement that when a 5,000 to 5,999 square foot lot (LDR-PV) or 3,000 – 5,000 square foot lot (MDR-PV) for a detach single family dwelling was proposed as part of a master plan that an additional Planned Development process with an additional 25% or 30% open space requirement was mandated. Concerns included making it more difficult to provide required housing variety, a loss of planned capacity, additional open space unnecessary due to extensive ESRA and planned neighborhood parks, and added an additional process.
- Originally, the master plan was envisioned as a function of annexation. As the revised annexation code no longer involves plan maps amendments or Planning Commission hearings clarification as to how master plan relates to other development applications needed.
- Although the master plan process provides for refining the sub-district boundaries, there was a concern that it did not have enough flexibility to allow blending of two sub-districts even if overall density and housing variety meet. Another concern was that there were not enough options for housing variety in the LDR-PV.
- The master plan code was written as a property owner/developer initiated application for a defined area rather than as a City-initiated process covering three neighborhoods. As not all property owners will participate in a City-initiated process less detail would be required for a City-initiated master plan with more detailed requirements meet in subsequent land divisions or site design reviews.
- The City's development planners recommended minor clarifications or ease of use changes during recent code training sessions. As an example, the current code regarding dimensional standards (such as lot dimensions) has the applicant refer to the standards of another non-Pleasant Valley district. The recommendation was to replace the reference with the actual numerical standards.

The Council's direction was to direct staff to bring a Comprehensive Plan Amendment (CPA) to address these issues to the Council for initiation of the process. The Council initiated CPA 06-373 in November 2006.

During the same time period that the City has been engaged in the City-initiated master plan, the City was also engaged in a City initiated annexation and is engaged in a dialogue with potential developers

regarding an agreement for the financing of the initial infrastructure needed to begin development. The annexation was successful (finalized June 2006) and includes the area of the City-initiated master plan. Included in this annexed area of the City-initiated master plan are developers who are trying to reach agreement with the City for their financing of regional public facilities needed to allow development to start in Pleasant Valley. These developers especially have taken a very detailed look at the Code while attempting to design the specific development of their sites.

The proposed amendments were developed by staff working closely with the participating Pleasant Valley development community. Especially helpful in providing suggestions and rationale was WRG Design, Inc. and Alpha Community Development who represent developers who intend to construct projects within the Pleasant Valley Plan District area. In conducting their initial site feasibility and exploring options in schematic design, they encountered several standards within the Pleasant Valley Plan Districts that create design hardships, fail to implement the Plan's intended vision, and preclude cost effective development opportunities within the area.

The proposed amendments have been posted on the City's web site, were announced in a Pleasant Valley newsletter mailing and an open house on the proposed amendments was held with Pleasant Valley residents. A Planning Commission work session on proposed amendments was held. The majority of the Planning Commissioners expressed satisfaction with the proposal. A few suggestions and questions were asked at the meeting or in subsequent e-mails – the issues and responses are provided in Exhibit 'B'.

Proposed Comprehensive Plan Amendments Overview

Text changes to the adopted Pleasant Valley Plan District code language are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~ /underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview below provides a summary of some of the key proposed amendments and additional rationale for the change.

Sections 4.1404, 4.1405 and 4.1406 Residential Characteristics

The purpose and characteristics section of code is normally intended to introduce individual sub-districts with a broad description, rather than list a specific land use/building type mix requirement, as the existing code does. This was not intended to be shown as a requirement but rather to state the policy intent for a mix of housing types. However, this language causes confusion and the amendment deletes the specific mix reference but leaves the intent to have housing mix in plan area and generally in neighborhoods. Code language in Section 4.1476 Housing Variety provides the code provision for a mix of housing and how density works within a master plan.

Section 4.1408 (Table 4.1408) Residential Standards

The standards sections of code list dimensional requirements for each of the Pleasant Valley residential districts. The current table establishes dimensional requirements by cross referencing other areas of the code. The proposed recommended amendments are replaced with specific numerical standards for each district so that cross references are eliminated. Two new tables 4.1408A and 4.1408B are created for development standards and setback respectively.

Single-Family Attached Units -- The recommended amendments lists three new specific housing types; Single-Family Attached Dwellings (3 or more units), Single-Family Attached Dwellings (2 units) and Live-Work Attached Dwellings, within Table 4.1408. Each of these housing types is distinct in character and should be recognized as such.

Lot Frontage - The code imposes street frontage standards for residential lots; whereas, the Pleasant Valley District Plan (Section 4.1464 Neighborhood Transition Design Area Overlay) provides for residential units to be oriented towards ESRA areas. An option to do this is create alley-loaded lots that front directly onto open space/ESRA tracts. The proposed code amendments add a footnote (6) to Table 4.1408 A to specifically state that alley-loaded units fronting an open space tract are exempt from street frontage requirements. The following exhibit illustrates a possible lot arrangement that would be applicable to this standard.

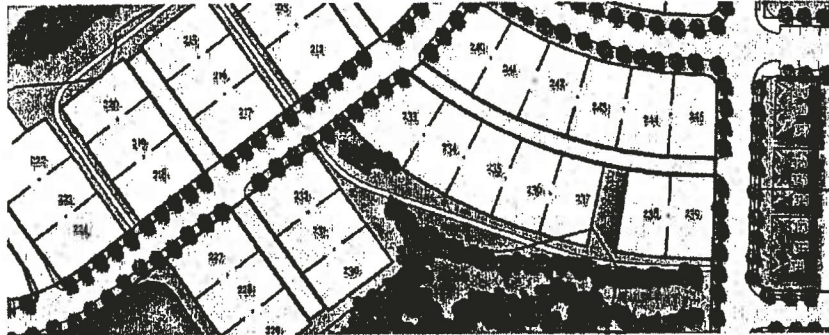


Figure 1 - Housing Fronting on Greenspaces

Minimum Lot Size MDR-PV – The current code cross references provide no minimum lot size standards for the MDR-PV district. Standards are proposed consistent with the intent of the Pleasant Valley Plan and this MDR-PV district. This includes a minimum 3,000 square foot lot size for detached dwellings and a minimum 1,600 square foot lot size for Single-Family Attached Dwellings. The 1,600 lot size conforms to current and historic housing trends for townhouse and other attached dwellings on individual lots and will allow units to be clustered and provide additional open space.

Section 4.1426 Commercial Landscaping

The current code requires that 15% of the gross area within the Neighborhood Center be conserved as open space. The current code also requires a 35% minimum floor to area ratio (FAR), off-street parking, sidewalk facilities, and a Neighborhood Connector roadway to bisect the Neighborhood Center. It is recommended that the required landscape area be based on net site area to account for the required roadway dedication. While the code includes planter areas, sidewalks, and plaza features within the landscaping definition, the current standard is based on gross acreage and greatly hinders creative project design. However, the same 15% landscaping ratio based on net area allows sites to include creative planting areas, sidewalks, and plaza design.

The following table illustrates how the existing and proposed standards are applied to the designated Neighborhood Center located along SE 190th Avenue just north of Richey Road. Under the proposed standard, the site is still required to provide a substantial amount of landscaping area while having land available for additional landscaping or creative building placement.

Neighborhood Center Landscaping Standards		
	Existing Standard 15% of Gross	Proposed Standard 15% of Net
Site Area		
Neighborhood Center Size (ac)	4.20	4.20
Neighborhood Center Size (sf)	182,952.00	182,952.00
Right-of-Way Dedication	41,406.00	41,406.00
Adjusted Neighborhood Center Size	141,546.00	141,546.00
Site Improvements		
Minimum Building Size (35% FAR)	49,541.10	49,541.10
Required Landscape Area	27,442.80	21,231.90
Minimum Parking Standard	178	178
Estimated Parking Area (sf)	54,396.13	54,396.13
Flexible Land Area (sf)		
Addition land for landscaping and/or building placement	10,165.97	16,376.87

Section 4.1451 ESRA Density Transfer

The code allows for density transfers from the ESRA areas. However, such transfers are not physically possible due to minimum lot size requirements. Smaller minimum lot size requirements would achieve the

intent of the density transfer allowance. The code amendments recommend that the lot size of a transferred lot be allowed to be reduced by 20% as part of an administrative review in order to physically transfer some of the awarded units to non ESRA areas. The code currently allows an administrative adjustment of up to 20 % of dimensional standards as part of a Type II Variance review.

Section 4.165 Neighborhood Transition Design Area Overlay

This section provides guidance on how development will interact with natural resources with intent that the natural resources are integrated as part of the community while reducing the impact of development on the natural resources. Master plan designs requirements intend that rear or side lot lines do not abut ESRA-PV land. However, that orientation will not always be possible. There is concern that fencing could create an undesirable "canyon" effect when placed against the ESRA. However, fencing also provides the function of distinguishing a lot from the ESRA and provides security for pets and children. The proposed amendment is to limit the height of the fence to 4 feet within 10 feet of the ESRA boundary. A shorter fence should eliminate the canyon effect while still providing security and delineation.

Section 4.1468 Green Development Practices and Green Streets

The current code provides direction on how the stormwater will be managed using green development practices. This section has been substantially re-written by the Stormwater Division Manager to reflect how both on-site and off-site including green streets and regional management facilities will be developed. It provides guidance on what submittal requirements are for the different stages of Master Plan, tentative land division/site design review and building permit. It provides updated references to the City Water Quality Manual and Public Works documents.

Sections 4.1471 Master Plan Applicability/4.1483 Procedures

The current code provides that the Master Plan be process with annexations. This was written before the current annexation code was adopted. Previously, annexations were process with a plan map amendment and required both Planning Commission and Council hearings. Only the Council now process annexations. The current code did anticipate that if the Master Plan followed the annexation it would be Type III Planning Commission procedure. The proposed amendments retain the requirement that it is Type III Planning Commission procedure. It provides that the Master Plan must proceed or be concurrent with a tentative land division and/or site design review application so that land division and site design review applications are consistent with the Master Plan. Other application types such as lot line adjustment or single family house on a lot of record could be done before or after a Master Plan.

Section 4.1475 Master Plan Neighborhood Design Guidelines

There has been concern regarding narrow lots and their effect on the associated streetscape. It is recommended more creative access approaches be required for narrow lots as an effort to minimize the number and extent of curb cuts on each block and to deemphasize front-facing garages. As a response, the proposed amendments require the lots with less than 50 feet of frontage to receive access from a rear alley, parking court, an access that is shared with an adjoining property or other similar access technique approved by the City. It is intended that narrow lots will obtain vehicular access via a rear alley or a shared drive that will result in a more attractive front facade.

Section 4.1476 Master Plan Housing Variety

The code expresses the intent to provide housing variety within individual neighborhoods. Section 4.1476 requires developers to achieve this variety by providing one of three design options; a mix of excessively large lots, introduction of accessory dwellings, or other techniques.

The current code for the LDR-PV provides limited code options which appear to inhibit true housing variety. A relatively large lot size may not effectively provide a housing type that differs from houses on smaller lots within the same neighborhood.

As an example, all lots within a neighborhood could be platted with 50 feet of frontage. Some of the lots would include 150 feet of depth, while others provide only 100. In this scenario, the neighborhood meets one of the code options but does not effectively provide housing variety. As a solution to provide effective

housing variety and interesting residential neighborhoods, the code amendment recommendations are to have additional options added to the code that are based on structure type and appearance rather than relying solely on lot size.

Figure 2 illustrates Pacific Landmark's Conceptual Site Plan which includes housing variety ranging from condominiums, townhouses, live-work units, to other detached houses. Units are further diversified by providing street loaded and alley loaded options. This neighborhood design includes five different housing types, thus providing housing variety. Figure 3 illustrates single-family footprint variations that contribute to housing variety and community interest. These examples are intended to illustrate that lot size is not the only means in providing housing variety and neighborhood interest.

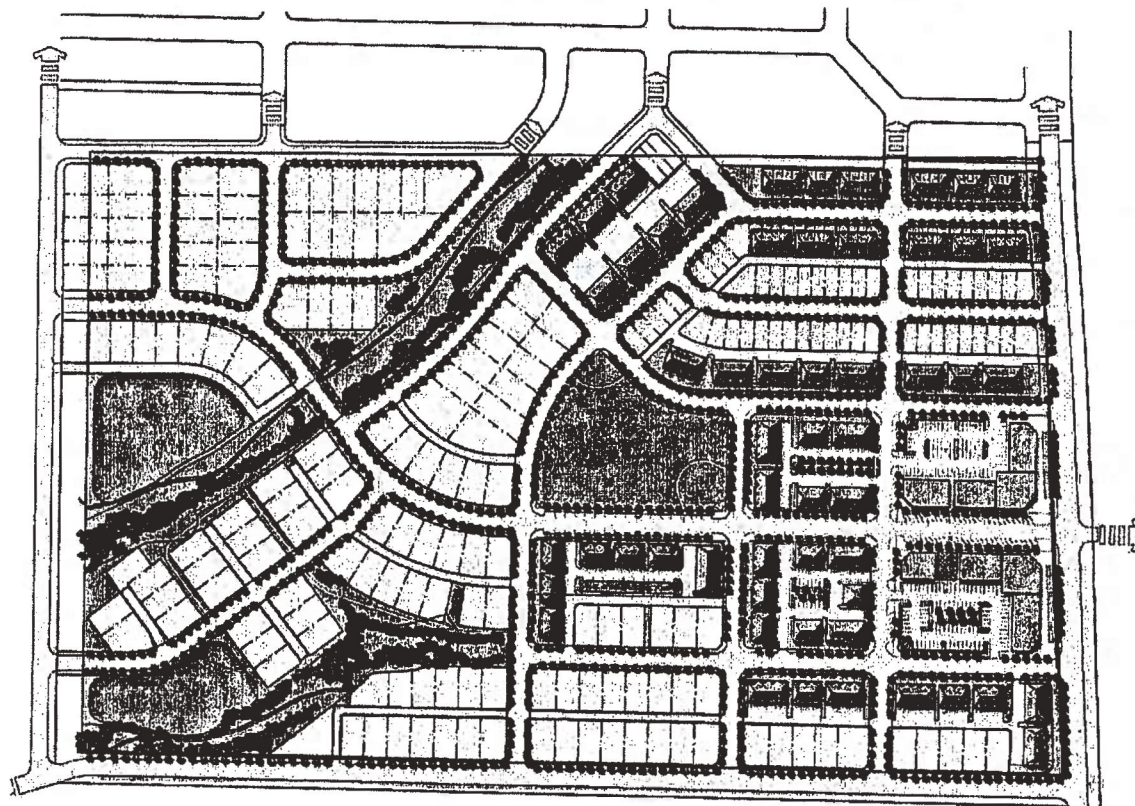


Figure 2 - Pacific Landmark Conceptual Site Plan

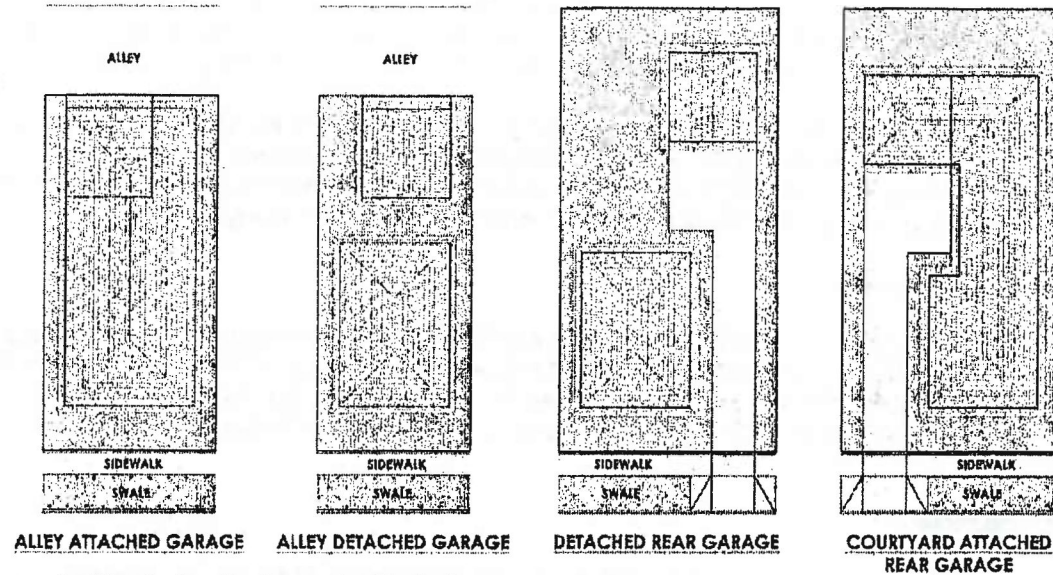


Figure 3 - Single-family Footprint Variations

Section 4.1479 Circulation Network

Transportation Planning and Transportation Development Planning suggested amendments to these this section to ensure that a Circulation Network plan approved with Master Plan would be consistent with subsequent requirements during the subdivision or site design review process. Amendments to Future Street Plan requirements (Section 9.0702, 9.0712 and A5.402) are proposed that remove the need for a future street plan application when a development is consistent with an approved Pleasant Valley Master Plan.

Section 4.1486 City-initiated Master Plan

The current code is written to review an application made by a property owner/developer and did not anticipate a City initiated master plan. Because a City-initiated master plan involves larger areas there are more property owners that may choose not to participate in the process. The proposed code allows for a lesser level of detail regarding housing variety and density for those areas while also providing that those areas will be shown to be capable of having the average allowed density and housing variety allowed for those lands.

Section 4.1490 – 4.1492 Planned Development

The current Planned Development code was adopted with the Pleasant Valley Master Plan as a method to address when a project that includes single family dwellings on lot sizes between 3,000 square foot and 5,000 square foot are proposed in the MDR-PV district and between 5,000 square foot and 5,999 square foot in the LDR-PV district. Administering the provisions for a Planned Development when these housing types are required has proved to be impractical for Pleasant Valley development.

The Plan Development process duplicates the Master Plan process and approvals. Like a Plan Development, a Master Plan is a Type III Planning Commission hearing. And as a Plan Development the Master Plan provides for conservation and relating design of the natural features through the ESRA-PV and the Neighborhood Transition Design Area Overlay Sub-district. As a Plan District, Pleasant Valley was carefully planned to provide for efficient use of land and public facilities. The Master Plan process standards address issues such as Neighborhood Design, Housing Variety, Density Transition, and Circulation and the planned public facilities and green stormwater and green street practices. These issues listed in the Planned Development purposes are already addressed by the Master Plan.

The Pleasant Valley district plan is planned and was adopted so that approximately 35% of the Pleasant Valley area will be preserved as ERSA or parks. The current Planned Development standards require additional open space conservation in excess of the conservation planned for the overall Pleasant Valley district plan. Applying the additional open space requirements has made it impractical to achieve the

required housing variety. Finally, given the spatial requirements of this standard, the current code results in an overall net loss of units which is contrary to the balance that has been struck between preserving natural features in the ESRA-PV and the housing mix and density needed to meet the goals of the plan.

The recommendation to delete the Plan Development section is made because the Master Plan process as amended provides for all development in Pleasant Valley the benefits and desires expressed through the Plan Development process. Deleting the provisions eliminates a duplicative process and one that was found to make it impractical to provide the housing anticipated by the Pleasant Valley plan.

Appendix 6.00 Sign Regulations

The amendments have reference to the Pleasant Valley and Springwater sub-districts to ensure that sign code regulations apply. These references were inadvertently left out of the original Plan District adoptions. The amendments add applicability to sub-districts with like districts. For example Pleasant Valley and Springwater residential districts are reference where City-wide residential districts are referenced.

Staff Report Organization

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable development codes that apply to the proposal.
- Section V identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through V:
 - Subsection A is findings of fact for the Community Development Plan procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the Community Development Plan code.
 - Subsection D is findings of fact for the UGMFP Titles.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.
- Exhibit 'B' is a memorandum listing and responding to issues raised by the Planning Commission during the March 12, 2007 work session or by e-mail subsequent to the work session.
- Exhibit 'C' is a working set of draft minutes from the 3/12/07 Planning Commission work session.

SECTION II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

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

SECTION III APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.701	Pleasant Valley Urbanization Strategy and Land Use Planning
Section 10.703	Pleasant Valley Residential Land Use/Neighborhoods
Section 10.705	Pleasant Valley Natural Resources
Section 10.706	Pleasant Valley Green Practices

**SECTION IV
APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES**

Title 8 Compliance Procedures

**SECTION V
APPLICABLE COMMUNITY DEVELOPMENT CODE**

Section 4.1000 Plan Districts -- Enabling Legislation

**SECTION VI
FINDINGS OF FACT**

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

A. Community Development Code Procedures

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

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

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

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

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

1. **General Goals & Policies**

Section 10.014 Land Use Policies and Regulations

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

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

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

Findings

These general goals and policies establish the City's intent to use its comprehensive plan (Gresham Community Development Plan [GCDP]) as the basis for appropriate planning processes and resulting land use plans.

In December 2004 the City adopted the Pleasant Valley Plan. Key themes of the Pleasant Valley Plan included that it would be a complete community; have a wide range of choices regarding housing, transportation, recreation, jobs, services and civic life; have a functioning Kelley/Mitchell Creek system that would be an integral part of the community; and have well designed and walkable neighborhoods with housing choices to accommodate a variety of household and income needs. The City established the Pleasant Valley Plan District which provides for future land use, neighborhood design, transportation, natural resource, public facilities and parks, trails and open space that will guide urbanization of Pleasant Valley. A key implementing tool is a development code requirement for a Master Plan.

A master plan is a conceptual plan that addresses neighborhood design related to all the components of the urbanization plan. Following adoption of the Pleasant Valley Plan, the Council directed staff to do a City-initiated annexation, City-initiated master plan and a financing plan agreement for initial public infrastructure needed to begin development in Pleasant Valley. During the process of the City-initiated master plan (eight workshops and two open houses), the successful annexation of 541 acres of Pleasant Valley and the detailed site planning work being done by developers as part of the infrastructure financing agreement, a number of code issues were discovered that made implementing the plan difficult or impractical.

Issues were discussed with the Council in October 2006 and the Council found that it would be in the overall best public interests to initiate the Code Amendment. The Council initiation took place on November 14, 2006.

The proposed code amendments address provisions of the Pleasant Valley code that need clarification, proposing to delete provisions that were found to complicate implementation of the Plan, and adding provisions that will facilitate implementation of the Plan.

Conclusion

Policy 2 is addressed by the proposed amendments that ensure that Pleasant Valley Plan District code regulations implement the Comprehensive Plan.

Policy 21 was addressed by the Council initiation on November 14, 2006, of the legislative process to address code issues discovered during the City-initiated Master Plan process.

Goal 10.014 is addressed by these proposed amendments that clarify and revise regulations so the Pleasant Valley plan can be implemented consistent with Comprehensive Plan as it pertains to Pleasant Valley. This assures an up-to-date Comprehensive Plan and implementing regulations.

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

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

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

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

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

Findings

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

The issues that have led to the proposed code amendments were identified during City-initiated master plan. The process included two Pleasant Valley mailing, eight work shops and two open houses. Participants in the Master Plan were aware of the CPA project and several actively provided suggested or followed the progress of the project.

The City's Pleasant Valley web site has been kept up to date with schedules and drafts of the proposal. The project was discussed at a Pleasant Valley neighborhood association meeting on December 2, 2006. The first draft of the CPA was posted on the web site when the notice of a proposed amendment was sent to the State Department of Land and Conservation Development (DLCD) February 22, 2007. A Pleasant Valley newsletter mailing was made in late February. An Open House on the proposed was held on March 20, 2007. Pleasant Valley residents who attended to March 20 open house expressed support of the proposed changes. Additionally the Planning Commission had a work session on the proposal which the public could attend.

Conclusion

Policy 1 is addressed the workshops and open houses attended by property owners and developers during the City-initiated master plan; through Pleasant Valley mailings; by a presentation at the Pleasant Valley neighborhood association formation meeting and by Open House for the proposal.

Policy 6 is addressed by posting of materials on website and by making materials available through City staff in the Community and Economic Development Department (CEDD).

The *Citizen Involvement Goal (10.100)* is met by the combination of work shops, open houses, mailings, and meetings as well as providing information the proposal and schedules on the City web site and in CEDD.

The proposal is consistent with the applicable citizen involvement goals and policies.

2. Pleasant Goals & Policies

10.701 Urbanization Strategy and Land Use Planning

Goals

- 1. Pleasant Valley will be a complete community with a unique sense of identity and cohesiveness.*
- 2. Pleasant Valley will have a wide range of transportation, living, working, recreation, and civic and other opportunities.*

Action Measures

- 2. The Pleasant Valley Plan District will allow for unique planning and regulatory tools that are needed to realize the Pleasant Valley Concept Plan.*

Findings

The Urbanization Strategy and Land Use Planning goals establish the City's intent that Pleasant Valley will be a unique, cohesive and complete community and that it will provide a wide range of choices for Gresham residents.

A Pleasant Valley Plan District PVPD) was established for the Pleasant Valley area as the primary guiding document to achieve these goals. During the City-initiated Master Plan process and during training sessions with the City's development planners (who review applications for development) and others a number of issues related the PVPD code were identified.

The issues generally regarding clarifying code provisions such as:

- how the master plan process works with subsequent land division or site design review
- what dimensional site development standards apply
- how average density requirements work in the master plan
- how commercial landscaping requirements are calculated
- how allowed ESRA density transfer will work
- how stormwater green on-site and green street practices will work and how they relate to public works documents
- what are the submittal requirements for master plan

The issues also involved design and housing variety issues such as:

- how to ensure that narrow frontage lots (less than 50') are designed properly
- providing adequate housing variety and site development options when the master plan encompasses both LDR-PV and MDR-PV areas

The issues also involved the mandated Plan Development process when 5,000 to 5,999 square feet (LDR-PV) and 3,000 to 5,000 square feet single family lots are proposed:

- how to ensure that additional open space aren't an obstacle for housing capacity and housing variety
- how to ensure that additional process requirements aren't an unnecessary burden

The proposed amendments have addressed this issues by revising provisions were necessary to provide clarification, adding housing variety options and design standards where necessary, and by eliminating provisions such as the Plan Development requirements where unnecessary.

Conclusion

Goal 1 and Goal 2 and AM 2 are addressed by amending code provisions that ensure that the Pleasant Valley Plan District code and master plan process and requirements are clear, provide appropriate options and remove unnecessary barriers to implementing the plan.

The proposal is consistent with applicable Pleasant Valley Urbanization Strategy and Land Use Planning goals and action measures.

10.703 Residential Land Use/Neighborhoods

Goal

Pleasant Valley will provide a wide variety of housing choices that will accommodate a variety of demographic and income needs within high quality, well-designed and walkable neighborhoods framed by the natural landscape.

Findings

The Residential Land Use/Neighborhood goal establishes the City's intent the well designed neighborhood that includes variety of housing choices integrated with the natural landscape is desired form of development in residential neighborhoods.

The Pleasant Valley plan generally identified that as Pleasant Valley urbanizes there will be a wide range of housing needs. The needs will vary from detached single family on a variety of lots size ranging from 3,000 square feet to 7,500 square feet and above, attached single family dwellings both in small two unit clusters and in large row house clusters, condominiums, work-live units, and apartments. In order to

address each neighborhood having a variety of housing (as opposed a single predominant housing type in each neighborhood) there are requirements for housing variety as part of the master plan process.

During the City-initiated Master Plan process and during training sessions with the City's development planners (who review applications for development) and others a number of issues related to housing issues were raised.

The issues included:

- how to ensure that narrow frontage lots (less than 50') are designed properly
- providing adequate housing variety especially in the LDR-PV which provided only two clear alternatives – a mix of lot size that included at least 30% greater than 7,500 square feet and at least especially in the LDR-PV which provided only two clear alternatives – a mix of lot size that included at least 30% greater than 7,500 square feet or at least 15% of the units include accessory dwellings and site development options when the master plan encompasses both LDR-PV and MDR-PV areas
- the mandated Plan Development process when 5,000 to 5,999 square feet (LDR-PV) and 3,000 to 5,000 square feet single family lots are proposed:
 - the additional open space requirement both seemed to be unnecessary given that one-third of Pleasant Valley area is designated as ESRA-PV and there are planned parks for each neighborhood
 - the open space requirement significantly reduced the land available and planned to be development affecting the planned housing capacity of Pleasant Valley
 - if these lot sizes were not used to avoid the open space requirement a significant housing variety option is lost
 - the plan development process was required on top of the master plan process carrying extra costs and plan burden and seemed unnecessary as the master plan has the same Planning Commission hearing requirement and generally addresses those issues the required to be addressed by the plan development criteria

The proposed amendment address these issues by requiring narrow frontage lots to have access to an alley or other alternate access to address the issue of front loaded garages that disrupt the streetscape, by adding a number of housing variety options in the LDR-PV that will promote housing variety using various good design tools, by allowing a blending of LDR-PV and MDR-PV densities as long as the overall density allowed is not exceeded and that housing variety requirements are met, and by eliminating the Plan Development requirement as the Pleasant Valley plan and its master plan requirements address such issues as good design, density transition and the integration of natural features that would have been addressed by the Plan Development process without adding extra process and limiting choices.

Conclusion

The Residential/Neighborhood Goal is addressed by amending the code provisions to provide additional design requirements, housing options, site design options and by eliminating the mandated Plan Development provisions as unnecessary.

The proposal is consistent with the applicable Residential/Neighborhood Goal.

10.705 Natural Resources

Goal

Pleasant Valley will be an urban community integrated with the natural environment.

Policies

1. Urbanization of Pleasant Valley will preserve, enhance, and restore natural resources.

Findings

The Natural Resources goal establishes the City's intent to urbanize Pleasant Valley but also in a way that provides for the natural resources system. In Pleasant Valley the dominant natural resources feature is the Kelley Creek/Mitchell Creek system which flows into Johnson Creek.

During the City-initiated Master Plan process and during training sessions with the City's development planners (who review applications for development) and others a couple of issues related to natural resources issues were raised.

These issues included:

- The PVPD provides for a density transfer of one unit per acre from the ESRA but limits the transfer to same or contiguous properties and there may be circumstances where those properties are limited transfer opportunities.
- If the density transfer provision is used there needs to be lot size flexibility in order to assure that ability to transfer is not lost due to dimensional requirements
- The State mandated ESEE process (Environmental, Social, Economic, and Energy) that balance development and environment resulted in both the designations of ESRA lands and in the appropriate development opportunities outside of the ESRA. Issues that prevent the expected development outside ESRA would not be consistent with the balance achieved in the ESEE analysis.

The proposed code amendments addressed these issues by allowing an exception to the same or contiguous property requirement for density transfer when there is a site constraint that prevents it, by allowing a 20% lot size reduction only for the transferred lots, and by addressing the concern that the mandated Plan Development requirements for additional open space might reduce the development opportunities achieved in the ESEE analysis.

Conclusion

The natural resource goal and Policy 1 are achieved by ensuring that the allowed development opportunity of a density transfer can be achieved and by addressing the Plan Development provisions that may have affected development opportunities expected in the ESEE analysis.

The proposal is consistent with the applicable Pleasant Valley Natural Resource goal and policies.

10.706 Green Development

Goal

Pleasant Valley will be a "green" community where green infrastructure is integrated with land use and street design and natural resource protection.

Findings

The Pleasant Valley green development goal establishes the City's intent to manage stormwater using on-site and off-site street landscaping features that intend to manage stormwater as close to the source as possible. Green practices used in conjunction with over flow facilities and regional stormwater management ponds tend to minimize adverse affects that stormwater run-off has on flooding, water quality and natural resource habitats.

During the City-initiated Master Plan process and during training sessions with the City's development planners (who review applications for development) and others a couple of issues related to green practices issues were raised.

These issues included:

- Provisions for green streets were not included in the green practices provisions
- Public works documents for green streets and for on-site green development practices were not available or properly referenced in the development code

The City has long recognized the need to create public works drawings for green streets. The City has also long recognized the need to create a place in the City's Water Quality Manual for use of the green

development practices for stormwater management on development sites. These public works documents have been created and will be available when initial development occurs in Pleasant Valley. The code provisions for green development have been revised to include green streets and have been substantially updated by the Stormwater Manager to properly reference public works documents and to identify plans are needed as time of master plan and at the time of subsequent development applications.

Conclusion

The Green Development goal is addressed by updating the provisions regarding references to created public work green street drawing and the water quality manual and by detailing what plans are needed at time of master plan and at time of subsequent development applications.

The proposal is consistent with the applicable Pleasant Valley Green Development goal.

C. Community Development Code Plan District Enabling Legislation (4.1000)

(A) A Plan District may be designated when the city finds that conditions within a specific area are such that unique planning and regulatory tools are required to achieve desired results. A Plan District designation may be warranted based on specific land use, economic, transportation, public facilities, historic, or natural conditions found to exist in the area. Plan District designation provides a means to create or modify development districts and standards in ways which address specific opportunities and problems within the plan area. These new or modified development districts and standards are not transferable to properties outside the boundaries of the established Plan District. The Plan District designation is generally not intended to be applied to small areas or to small individual properties.

Findings:

Findings under this section were made for establishing the Pleasant Plan District when the Pleasant Valley Plan was originally adopted. As provided in subsection (B) below a Plan District can be modified when findings are made that it meets the specific criteria required for establishing a plan district.

Conclusion:

The Pleasant Valley Plan District (SWPD) has previously been established as consistent with this section and the proposed amendments apply only to the established Plan District area. The proposal is consistent with this subsection.

(B) Except as provided in Section 4.1000(E), a Plan District shall be established, amended, or removed at the initiative of the Planning Commission or the City Council through the Type IV legislative procedure. In establishing a Plan District, findings satisfying all of the following criteria must be made:

Findings:

The proposal for amending the Pleasant Valley Plan District is being processed under the Type IV legislative procedure.

Conclusion:

The proposal is consistent with the subsection.

(1) The area proposed for the Plan District designation is generally affected by special characteristics or problems of a land use, economic, transportation, public facilities, historic, natural, or transitional use or development nature which are not common to other areas of the city.

Findings:

The proposed amendments do not affect the already established Pleasant Valley Plan District area.

Conclusion:

As this proposed amendments do not affect area of the Plan District this subsection is not applicable.

(3) The proposed Plan District designation is the result of a study or plan which documents the special characteristics of the study area and includes measures to address the relevant issues.

Findings:

A specific plan was previously development for the Pleasant Valley Plan and was the basis for the establishment of the Pleasant Valley Plan District. The proposed amendments are only for code provision and do not affect the previously established plan.

Conclusion:

The proposed amendments do not effect the plan used as the basis for the Pleasant Valley Plan District and this proposal is not-applicable with this subsection.

(4) Any proposed policies, procedures, development standards, or other measures to be implemented are in conformance with the purposes, findings and recommendations of the study or plan which serves as the basis for the Plan District.

Findings:

The Pleasant Valley Plan District included adoption of goals, polices, procedures, development standards and other measures that were found to be consistent with the study and resultant Pleasant Valley Plan. Findings have been made in a previous section that the proposed amendments are consistent with the applicable goals and policies that were adopted as the basis for the Pleasant Valley Plan District.

Conclusion:

The proposed comprehensive plan amendments are consistent with the purposes, findings and recommendations of the plan that served as the basis for the Plan District because it consistent with the applicable adopted Pleasant Valley goals and policies that were based on the plan. The proposal is consistent with this subsection.

(5) The Plan District designation and related policies, procedures, standards, and other measures are consistent with applicable policies and implementation strategies of the Community Development Code, and with any applicable locational criteria identified in the Community Development Code.

Findings:

The findings of fact made in a previous section were that the proposed amendments are consistent policies and goals of the Community Development Plan. The amendments don't affect area and thus there are no applicable locational criteria.

Conclusion:

Based on the previous findings and conclusions of regarding applicable goals and policies, the proposal is consistent with this subsection.

(C) Provisions of the Plan District may modify existing standards and procedures of the Community Development Code. The Plan District provisions may also apply additional requirements or allow exceptions to general regulations. Where there is a conflict between the provisions of the Plan District and those of other portions of the Community Development Code, the Plan District provisions control.

Findings:

This subsection provides authority to modify current and apply additional standards and procedures in a Plan District. It also clarifies that the Plan District applies when in conflict with other portions of the Code. This provision was applied to the adopted Pleasant Valley Plan District.

Conclusion:

The Pleasant Valley Plan District does modify current and apply additional standards as is authorized by this section. The proposal is consistent with this subsection.

(D) The location and boundaries of each Plan District shall be shown on the Community Development Plan Map.

Findings:

The proposed amendments do not affect location or boundaries of the Plan District.

Conclusion:

The proposed comprehensive plan amendments do not include an amendment to the Community Development Plan Map. The proposal is not-applicable with the subsection.

(G) Policies, procedures, standards, and other measures applying within a Plan District may be amended through the Type IV legislative procedure. Any such amendment intended to apply exclusively within a Plan District shall be initiated by the Planning Commission or the City Council, and shall be based on findings demonstrating that it is consistent with the purposes, findings, and recommendations of the plan or study which serves as the basis for the that Plan District.

Findings

The proposed text amendments to the Pleasant Valley Plan District code are being processed under the Type IV legislative procedures and were initiated by the Council.

Conclusion

The proposed comprehensive plan amendments are being processed under the Type IV legislative procedures as initiated by the Council and findings of consistency with the Pleasant Valley Plan District have been made. The proposal is consistent with the subsection.

D. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

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

The City submitted the proposed amendments to Metro on February 22, 2007 which was at least 45 day prior to the first evidentiary hearing of April 9, 2007. Metro has submitted no comments or request for an analysis.

City staff did not find that any other titles of the Functional Plan were affected by the proposed amendments.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing and Metro has made no comments or request on the proposal.

The proposal is consistent with Title 8.

SECTION VII CONCLUSION

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

SECTION VIII RECOMMENDATION

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

End of Staff Report

Proposed new text is double-underlined
Proposed deleted text is ~~stricken-through~~

CB 08-07

ORDINANCE NO. 1644

**AMENDMENTS TO VOLUME 3 OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN
TO AMEND THE PLEASANT VALLEY PLAN DISTRICT DEVELOPMENT CODE AND
RELATED DEVELOPMENT CODE AND DECLARING AN EMERGENCY**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 4.1401 is amended as follows:

4.1401 Purpose

This section of the Community Development Code implements the Pleasant Valley Plan District (Plan District). The purposes of the Plan District are to: (1) implement the Comprehensive Plan's goals, policies, and action measures for Pleasant Valley; (2) create a complete urban community as defined by the Comprehensive Plan; and, (3) further the central theme of Pleasant Valley's vision to integrate land use, transportation, and natural resources. Pleasant Valley is intended to be a complete community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration, and enhancement of the natural resources. The Plan District is intended to:

- (A) Implement the overall Plan District purposes stated above,
- (B) Guide the use, development, conservation, and environmental restoration of land within Pleasant Valley,
- (C) Establish standards that are intended to guide individual land use decisions and development to result in a cohesive community,
- (D) Create a harmonious and sustainable relationship between urban development and the unique natural landscape of Pleasant Valley and the surrounding region, and
- (E) Establish the land use framework from which the logical and efficient provision of public facilities and services may occur.

Per Section 4.1471 master plan approvals are required before or concurrent with any development applications under Section 6.0200 Partitions and Subdivisions and/or Article VII site Design Review. Subsequent land use approvals must be consistent with the master plan.

Section 2. Volume 3, Development Code, Section 4.1403 is amended as follows:

4.1403 Pleasant Valley Sub-districts In General

The Plan District Sub-districts listed below apply to land in the Plan District. They are intended to work together to result in a complete community that includes attractive places to live, work, shop, and recreate, together with natural resource areas that are integrated into the urban environment, consistent with the purposes in Section 4.1401 and the Comprehensive Plan.

The Sub-districts in Pleasant Valley are:

Full Name (Short Name/Map Symbol)

Low-Density Residential - Pleasant Valley (LDR - PV)
Medium-Density Residential - Pleasant Valley (MDR - PV)
High-Density Residential - Pleasant Valley (HDR - PV)
Town Center - Pleasant Valley (TC - PV)
Neighborhood Center - Pleasant Valley (NC - PV)
Mixed-Use Employment - Pleasant Valley (MUE - PV)
Employment Center - Pleasant Valley (EC - PV)
Environmentally Sensitive/Restoration Areas - Pleasant Valley (ESRA-PV)

~~All land-use approvals and development must be consistent with approved master plans, per Section 4.1470.~~

Section 3. Volume 3, Development Code, Section 4.1404 is amended as follows:

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

This designation affects land primarily intended for single-family detached dwellings, manufactured homes, and two-unit attached dwellings on a wide range of lot sizes. Development in this Sub-district shall be arranged to form part of an individual neighborhood, invite walking to gathering places, services and conveniences, and a neighborhood park, and connects to the larger community by a pattern of streets, blocks, trails, and pedestrian ways and linkages to the Environmental Sensitive and Restoration Areas.

~~The overall intended~~ A mix of lot sizes and housing variety within LDR Sub-district areas in the Plan District as a whole and generally in individual neighborhoods is intended.

~~LDR lots less than 7500 square feet 70%~~
~~LDR lots greater than 7500 square feet 30%~~

The specific mix and variety of housing for properties and groups of properties shall be guided by an approved master plan consistent with the purposes in Section 4.1476. The approved master plan shall provide for an average density of 5.3 to 7.9 dwellings per net residential acre in this Sub-district.

Section 4. Volume 3, Development Code, Section 4.1405 is amended as follows:

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

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

Detached dwellings Lots	3,000 – 5000 sq. ft. 13%
Attached housing Generally	15 – 20 du/net acre 24%
	20 – 30 du/net acre 48%
Attached housing Elderly	20 – 62 du/net acre 15%

The approved master plan shall provide for an average of 12-20 dwelling units per net residential acre in this Sub-district consistent with the purposes in Section 4.1476. Elderly housing at 20 – 62 dwelling units per net residential acre ~~is not included in the average density provision~~ but is allowed pursuant to Section 8.0100, Community Services.

Section 5. Volume 3, Development Code, Section 4.1406 is amended as follows:

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

(A) Attached Housing Areas in HDR

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

(B) Town Center Housing Areas in HDR

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

~~The overall intended~~ A mix of housing types in the HDR Sub-district across the entire Plan District and generally in individual neighborhoods is intended, as follows:

Attached housing	Generally	20-30 du/net acre	30%
		20-40 du/net acre	45%
	Elderly	20-62 du/net acre	25%

Section 6. Volume 3, Development Code, Section 4.1407 is amended as follows:

4.1407 Permitted Uses

The types of land use, which are permitted in the Pleasant Valley Residential Sub-districts, are listed in Table 4.107. Permitted uses are designated with a "P". An "L" in this table indicates a use that may be permitted in that district, but which is limited in the extent to which it may be permitted. An "NP" means that use is not permitted in the specified Sub-district(s). "NP" is only used if the use category is "P" or "L" in another Sub-district in the table. A use category not listed in this table is "NP." Each of these uses must comply with the land use district standards of this section and all other applicable requirements of the Community Development Code.

Table 4.1407 Residential Permitted Uses			
Use Categories:	LDR-PV	MDR-PV	HDR-PV
(A) Single-Family Detached Dwelling	P	P	NP
(B) Manufactured Homes on Individual Lots	P	P	N
(C) Attached Dwellings on a Single Lot	NP	P	P
(D) Single Family Attached Dwellings (2 units)	L ¹	P	P
(E) Single Family Attached Dwellings (3 or more units)	NP	P	P
(F) Two-unit Attached Dwellings	L ²	P	P
(G) Accessory Dwellings	P	P	NP
(H) Community Services	L ³	L ⁴	L ⁴
(I) Accessory Structures	P	P	P
(J) Home Occupations	P	P	P
(K) Temporary Uses	P	P	P
(L) Residential Facility	P	P	NP
(M) Residential Home	P	P	NP
(N) Live-Work ⁵	NP	P	P
Key: P = Permitted L = Limited NP = Not Permitted			

Table 4.1407 Notes:

¹ Maximum of two attached units allowed; Lot size may be reduced to 3,500 square feet.

² Duplexes are permitted under the provisions of section 4.1410.

³ Community Services Type II (I) and Type III (C)(D)(E)(G)(I)(J)(M)(N)(O)(P)(T)(U)(V) are not allowed.

⁴ Community Services Type III (D)(E)(G)(I)(J)(W) are not allowed.

⁵ For purposes of Table 4.1407, a live-work unit is a structure that combines a limited office, retail services, and/or business services use with a residential living space. The commercial space may be used by anyone residing at the unit and by no more than two non-resident employees. The commercial portion of the structure shall face the street front, is limited to the first floor, and garage access must be from the alley. A fascia, awning, or painted wall sign limited to 32 square feet is permitted per each unit.

Section 7, Volume 3, Development Code, Section 4.1408 is amended as follows:

4.1408 Development Standards Table

The development standards listed in Table 4.1421 are applicable to all development within the Pleasant Valley Residential Sub-districts. Development within these Sub-districts shall also be consistent with all other applicable requirements of the Community Development Code.

Table 4.1408 – Development Standards in Pleasant Valley Residential Sub-districts			
Use Categories	LDR-PV	MDR-PV	HDR-PV
Residential Density: Minimum – Maximum (dwelling units per net acre)	Per approved master plan 4.1470	Per approved master plan 4.1470	Per approved master plan 4.1470
Minimum Lot Size (square feet)			
Detached dwelling unit/manufactured home	LDR applies	TLDR applies	Not applicable
Single family attached dwellings	LDR applies	CMF applies	CMF applies
Two unit attached dwellings	LDR applies ⁺	CMF applies	CMF applies
Attached dwellings (3 or more units)	Not applicable	CMF applies	CMF applies

Minimum Lot Dimensions		LDR applies	TLDR applies to detached dwelling / manufactured home; Others not applicable	Not applicable
Minimum Lot Width / Depth Ratio		Not applicable	Detached dwellings / manufactured home not applicable; CMF applies to all others	CMF applies
Minimum Street Frontage		LDR applies ⁺	TLDR applies to detached dwelling / manufactured home; CMF applies to all others ⁺	CMF applies ⁺
Building Height Buffering Required	Building Height Maximum	35 ft	35 ft	45 ft, except for elderly housing and transition Required adjacent to LDR Building Height
	Building Height transition required adjacent to LDR (Section 4.1409)	No	No	Yes
Buffer Required		See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100
Minimum Off Street Parking Required		As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851
Maximum Off Street Parking Required		As provided in Section 9.0851	As provided in Section 9.0851	As provided in Section 9.0851
Site Design Criteria (Section 7.000)		Yes	Yes	Yes
Safe Neighborhood Design Performance Standards Apply (Section 4.1412)		Yes	Yes	Yes
Transit Design Criteria and Standards Apply		Not applicable	CMF applies	CMF applies
Minimum Yard Setbacks		LDR applies, per Table 4.0130E	Detached dwellings / manufactured TLDR applies per Table 4.0130E; CMF applies to all others	CMF applies to all other CMF applies
Maximum Yard Setbacks		Not Applicable	Detached dwellings / manufactured Not applicable; CMF applies to all others	CMF applies
Clear Vision Area Required (Section 9.0200)		Yes	Yes	Yes

<u>Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts</u>			
<u>Use Categories</u>	<u>LDR-PV</u>	<u>MDR-PV</u>	<u>HDR-PV</u>
<u>Residential Density: Minimum – Maximum</u> <u>(dwelling units per net acre) Section 4.1476(D)</u>	<u>Average 5.3 – 7.9</u> <u>units per net acre</u> <u>in approved</u> <u>master plan</u>	<u>Average 12 – 20</u> <u>units per net acre</u> <u>in approved</u> <u>master plan</u>	<u>Average 20-30 units</u> <u>per acre/</u> <u>Town Center 30-40</u> <u>units per net acre in</u> <u>approved master</u> <u>plan</u>
<u>Minimum Lot Size (square feet) ²</u>			
<u>Single-family Detached dwelling unit/</u> <u>manufactured home</u>	<u>5,000 sf</u>	<u>3,000 sf</u>	<u>Not applicable</u>
<u>Single-family attached dwellings (2 units) ⁴</u>	<u>3,500 sf</u>	<u>1,600 sf</u>	<u>None</u>
<u>Single-family attached dwellings (3 or more units) ⁴</u>	<u>Not applicable</u>	<u>1,600 sf</u>	<u>None</u>
<u>Live-Work attached dwellings ⁴</u>	<u>Not applicable</u>	<u>1,600 sf</u>	<u>None</u>
<u>Two-unit attached dwellings (duplex) ¹</u>	<u>6,000 sf</u>	<u>3,500 sf</u>	<u>None</u>
<u>Attached dwellings (3 or more units)</u>	<u>Not applicable</u>	<u>10,000 sf</u>	<u>None</u>

<u>Minimum Lot Dimensions²</u>			
<u>Detached dwelling unit/manufactured home</u>			
<u>(1) Width at building line</u>			
<u>(a) Interior Lots</u>	<u>(1a) 35 ft</u>	<u>(1a) 20 ft</u>	<u>Not applicable</u>
<u>(b) Corner Lots</u>	<u>(1b) 40 ft</u>	<u>(1b) 25 ft</u>	<u>Not applicable</u>
<u>(2) Depth</u>			
<u>(a) Interior Lots</u>	<u>(2a) 70 ft</u>	<u>None</u>	<u>Not applicable</u>
<u>(b) Corner Lots</u>	<u>(2b) 70 ft</u>	<u>None</u>	<u>Not applicable</u>
<u>Single-family attached dwellings (2 units)⁷</u>			
<u>1) Width at building line</u>			
<u>(a) Interior Lots</u>	<u>(1a) 16 ft</u>	<u>(1a) 16 ft</u>	<u>None</u>
<u>(b) Corner Lots</u>	<u>(1b) 25 ft</u>	<u>(1b) 25 ft</u>	<u>None</u>
<u>(2) Depth</u>			
<u>(a) Interior Lots</u>	<u>(2a) 70 ft</u>	<u>(1a) 16 ft</u>	<u>None</u>
<u>(b) Corner Lots</u>	<u>(2b) 70 ft</u>	<u>(1b) 25 ft</u>	<u>None</u>
<u>Single-family attached dwellings (3 or more units) and Live-Work attached dwellings⁷</u>			
<u>(1) Width at building line</u>			
<u>(a) Interior Lots</u>	<u>Not applicable</u>	<u>(1a) 16 ft</u>	<u>None</u>
<u>(b) Corner Lots</u>		<u>(1b) 25 ft</u>	<u>None</u>
<u>(2) Depth</u>			
<u>(a) Interior Lots</u>	<u>Not applicable</u>	<u>None</u>	<u>None</u>
<u>(b) Corner Lots</u>		<u>None</u>	<u>None</u>
<u>Two-unit attached dwellings (duplex)¹</u>			
<u>(1) Width at building line</u>			
<u>(a) Interior Lots</u>	<u>(1a) 35 ft</u>	<u>(1a) 16 ft</u>	<u>None</u>
<u>(b) Corner Lots</u>	<u>(1b) 40 ft</u>	<u>(1b) 25 ft</u>	<u>None</u>
<u>(2) Depth</u>			
<u>(a) Interior Lots</u>	<u>(2a) 70 ft</u>	<u>None</u>	<u>None</u>
<u>(b) Corner Lots</u>	<u>(2b) 70 ft</u>	<u>None</u>	<u>None</u>
<u>Attached dwellings (3 or more units)</u>			
<u>(1) Width at building line</u>			
<u>(a) Interior Lots</u>	<u>Not applicable</u>	<u>None</u>	<u>None</u>
<u>(b) Corner Lots</u>		<u>None</u>	<u>None</u>
<u>(2) Depth</u>			
<u>(a) Interior Lots</u>		<u>None</u>	<u>None</u>
<u>(b) Corner Lots</u>		<u>None</u>	<u>None</u>
<u>Minimum Lot Width / Depth Ratio</u>			
<u>Detached dwelling unit/manufactured home</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>All Other Uses</u>	<u>None</u>	<u>5:1</u>	<u>5:1</u>

<u>Minimum Street Frontage</u> ^{3,6}				
<u>Detached dwelling unit/manufactured home</u>				
<u>(a) Interior Lots</u>		<u>35 ft</u>	<u>35 ft</u>	<u>Not applicable</u>
<u>(b) Corner Lots</u>		<u>40 ft</u>	<u>40 ft</u>	<u>Not applicable</u>
<u>Single-family attached dwellings (all types) and Live-Work attached dwellings</u> ^{4,5}				
<u>(a) Interior Lots</u>		<u>16 ft</u> ⁷	<u>16 ft</u>	<u>16 ft</u>
<u>(b) Corner Lots</u>		<u>32 ft</u> ⁸	<u>32 ft</u>	<u>32 ft</u>
<u>Two-unit attached dwellings (duplex)</u> ¹				
<u>(a) Interior Lots</u>		<u>16 ft</u>	<u>16 ft</u>	<u>16 ft</u>
<u>(b) Corner Lots</u>		<u>32 ft</u>	<u>32 ft</u>	<u>32 ft</u>
<u>Attached dwellings (3 or more units)</u>				
<u>(a) Interior Lots</u>		<u>Not Applicable</u>	<u>None</u>	<u>None</u>
<u>(b) Corner Lots</u>		<u>Not Applicable</u>	<u>None</u>	<u>None</u>
<u>Building Height</u>	<u>Building Height Maximum</u>	<u>35 ft</u>	<u>35 ft</u>	<u>45 ft. except for elderly housing and transition required adjacent to LDR</u>
	<u>Building Height transition required adjacent to LDR (Section 4.1409)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Buffering Required</u>		<u>See Buffer Matrix, Section 9.0100</u>	<u>See Buffer Matrix, Section 9.0100</u>	<u>See Buffer Matrix, Section 9.0100</u>
<u>Minimum/Maximum Off-Street Parking Required</u>		<u>As provided in Section 9.0851</u>	<u>As provided in Section 9.0851</u>	<u>As provided in Section 9.0851</u>
<u>Site Design Criteria (Section 7.000)</u>		<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Safe Neighborhood Design Performance Standards Apply (Section 4.1411)</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Transit Design Criteria and Standards Apply (4.1425)</u>		<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Clear Vision Area Required (Section 9.0200)</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

¹ See Section 4.1411 for additional duplex standards.

² When a lot abuts a public or private alley equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the average lot size requirement for the abutting lot. It may also be used in calculating the average lot size.

³ A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.

⁴ Single-Family Attached Dwellings (2 units), Single-Family Attached Dwellings (3 units or more), and Live-Work Attached Dwellings (2 or more units) shall be consider distinct and different housing types within the Pleasant Valley District and all subdistrict therein.

⁵ See Table 4.1407 for additional standards pertaining to attached units.

⁶ Units that front on a public or private open space tract and accessible via an alley or private drive shall be exempt from the minimum street frontage standards.

Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts

	Front			Side						Rear	
	Front Facade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage	Access	Rear/No Alley	Rear/With Alley
<u>LDR-PV</u>											
<u>Minimum Setbacks</u>											
<u>Detached Dwelling Units/</u> <u>Manufactured homes</u>	10 ft	6 ft	18 ft	5 ft	6 in on zero/6 ft on other side	10 ft	6 ft	18 ft		15 ft	5 ft
<u>Single-family attached dwellings</u>	10 ft	6 ft	18 ft	5 ft	N/A	6 ft	6 ft	18 ft		15 ft	5 ft
<u>Two-unit attached dwellings (duplex)</u>	10 ft	6 ft	18 ft	5 ft	N/A	6 ft	6 ft	18 ft		15 ft	5 ft
<u>Attached dwellings</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	N/A
<u>Maximum Setbacks¹</u>											
<u>All Uses</u>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	N/A
<u>MDR-PV</u>											

Table 4.1408 B – Setback Standards For Pleasant Valley Residential Districts

	<u>Front</u>			<u>Side</u>					<u>Rear</u>	
	<u>Front Facade/Wall</u>	<u>Front Porch</u>	<u>Garage</u>	<u>Interior Side (Not Zero or Common Wall)</u>	<u>Zero Lot Line Option</u>	<u>Street Side Wall</u>	<u>Street Side Porch</u>	<u>Street Side Garage Access</u>	<u>Rear/No Alley</u>	<u>Rear/With Alley</u>
<u>Minimum Setbacks</u>										
<u>Detached Dwelling Units/ Manufactured homes</u>	<u>10 ft</u>	<u>6 ft</u>	<u>18 ft</u>	<u>5 ft</u>	<u>6 in on zero/ 6 ft on other side</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>15 ft</u>	<u>5 ft</u>
<u>Single-family Attached Dwellings (all types) and Live-Work Attached Dwellings</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>10 ft</u>	<u>5 ft</u>
<u>Two-unit attached dwellings (duplex)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>10 ft</u>	<u>5 ft</u>
<u>Attached dwellings (3 or more units)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>15 ft</u>	<u>5 ft</u>
<u>Maximum Setbacks¹</u>										
<u>Attached dwellings (3 or more units)</u>	<u>20 ft</u>	<u>20 ft</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20 ft</u>	<u>20 ft</u>	<u>N/A</u>	<u>N/A</u>
<u>HDR-PV</u>										
<u>Minimum Setbacks</u>										
<u>Detached Dwelling Units/ Manufactured homes</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Single-family attached dwellings</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>10 ft</u>	<u>5 ft</u>
<u>Two-unit attached dwellings (duplex)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>18 ft</u>	<u>10 ft</u>	<u>5 ft</u>
<u>Attached dwellings (3 or more units)</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>N/A</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>	<u>15 ft</u>	<u>5 ft</u>
<u>Maximum Setbacks¹</u>										

Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts

	<u>Front</u>			<u>Side</u>					<u>Rear</u>	
	<u>Front Facade/Wall</u>	<u>Front Porch</u>	<u>Garage</u>	<u>Interior Side (Not Zero or Common Wall)</u>	<u>Zero Lot Line Option</u>	<u>Street Side Wall</u>	<u>Street Side Porch</u>	<u>Street Side Garage Access</u>	<u>Rear/No Alley</u>	<u>Rear/With Alley</u>
<u>Attached dwellings (3 or more units)</u>	<u>20 ft</u>	<u>20 ft</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20 ft</u>	<u>20 ft</u>	<u>N/A</u>	<u>N/A</u>

¹ The maximum front or streetside setback from a building containing dwelling units abutting a Principal, Major or Minor Arterial street is 30 feet. The maximum front or streetside setback may be exceeded when enhanced pedestrian spaces and amenities are provided.

Section 8. Volume 3, Development Code, Section 4.1411 is amended as follows:

4.1411 Safe Neighborhood Design Performance Standards

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions apply to detached single-family dwellings, attached single-family dwellings, and two unit attached dwellings.

Section 9. Volume 3, Development Code, Section 4.1425 is amended as follows:

4.1425 Transit Design Criteria and Standards

- (A) In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0204~~10~~(A) apply to new commercial, mixed-use, and employment development requiring site design approval in these Sub-districts, along with other applicable standards and criteria.

Section 10. Volume 3, Development Code, Section 4.1426 is amended as follows:

4.1426 Landscaping

- (A) Section 7.0202(A) regarding site design review landscaping criteria and standards for commercial and mixed-use development is amended as follows:

(1) A minimum of 15% of the ~~gross~~ net acreage site area: MUE-PV, NC-PV.

(2) A minimum of 20% of the ~~gross~~ net acreage site area: EC-PV.

Section 11. Volume 3, Development Code, Section 4.1427 is amended as follows:

4.1427 Commercial Uses

- (A) At least 85% of business activities in connection with commercial uses permitted in Table 4.1421 ~~0(A)~~ shall be conducted within a completely enclosed structure, except for outdoor commercial uses. No more than 15 percent of the area devoted to buildings may be used for outdoor business activities, product display, or storage. However, in the TC-PV Sub-district, the amount of site area used for outdoor business activity, product display, or storage may be up to 50 percent of the amount of floor area on the site.

Section 12. Volume 3, Development Code, Section 4.1436 is amended as follows:

4.1436 Uses Allowed Outright (Exempted)

The following uses are allowed within the ESRA-PV subdistrict and do not require the issuance of an ESRA-PV permit:

- ~~(B) Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.~~

Section 13. Volume 3, Development Code, Section 4.1441 is amended as follows:

4.1441 Standards for Utility Lines

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the ESRA-PV subdistrict:

- (D) No fill or excavation is allowed within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;

Section 14. Volume 3, Development Code, Section 4.1442 is amended as follows:

4.1442 Standards for Rights of Ways

The following standards apply to public rights of way within the ESRA-PV subdistrict, including roads, bridges/stream crossings and pedestrian paths with impervious surfaces:

- (B) No fill or excavation can occur within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;
- (C) ~~The Division~~ Department of State Lands has approved any work that requires excavation or fill in a wetland;
- (D) Any work that will take place within the banks of a stream must be conducted between June 1 and August 31, during the specified in water work window, as determined by Oregon Department of Fish and Wildlife for each specific water body, or must be approved by the Oregon Department of Fish and Wildlife; and

Section 15. Volume 3, Development Code, Section 4.1451 is amended as follows:

4.1451 Density Transfer

The Pleasant Valley Plan District allocates urban densities to the non-ESRA-PV portions of properties located partially within the ESRA-PV subdistrict, generally resulting in a substantial increase in net development potential. For lots of record that are located within the ESRA-PV Subdistrict, additional density transfer credits are allowed, subject to the following provisions:

- (A) Density may be transferred from the ESRA-PV Subdistrict to non-ESRA-PV portions of the same property or of contiguous properties within the same development site; or

(1) Where site constraints prevent the use of awarded credits, unused credits may be transferred to other non-ESRA-PV properties.
- (B) The residential transfer credit shall be 1 unit per acre of land within the ESRA-PV Subdistrict (conventional rounding applies, e.g., a property with 1.5 or more acres of land in the ESRA-PV but less than 2.5 acres is eligible for 2 transfer credits).
- (C) For transfers to the Employment subdistrict, the transfer credit is 10,000 sq. ft. (FAR) per acre of land within the ESRA-PV Subdistrict;
- (D) The maximum gross density for the non-ESRA-PV area of the site shall not exceed 150% of the maximum density or FAR allowed by the underlying subdistrict;
- (E) The owner of the transferring property shall execute a covenant with the City that records the transfer of units. The covenant must be found to meet the requirements of this section and be recorded before building permits are issued; and
- (F) All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs however, the minimum lot size may be reduced by 20% for only those units transferred outside of the ESRA-PV district. Such transfers and reductions shall be exempted from a PD process.

Section 16. Volume 3, Development Code, Section 4.1463 is amended as follows:

4.1463 Neighborhood Park Overlay (NPO-PV)

Section 17. Volume 3, Development Code, Section 4.1464 is amended as follows:

4.1464 Community Park Overlay (CPO-PV)

Section 18. Volume 3, Development Code, Section 4.1465 is amended as follows:

4.1465 Neighborhood Transition Design Area Overlay Sub-district

(C) Standards

To the extent practicable development within the NTDA shall be consistent with the characteristics described above and the following standards. These standards are intended to promote careful design and site planning so that uses and development within the NTDA reduce their impact on, and benefit from, the adjacent ESRA areas.

Master plans must consider the following in designs for NTDA's:

- (1) Location of compatible uses, such as open space, trails, infrastructure (e.g., stormwater treatment), parkways and boulevards, residences, community centers, and ESRA-oriented facilities such as a nature center or interpretative kiosk.
- (2) Residential areas that are oriented towards and present a friendly face to the ESRA. Such areas may be accessed via an alleyway.
- (3) Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.
- (4) When a lot or parcel borders the ESRA a maximum four foot high fence is permitted with 10 feet of the ESRA. This includes vegetative fencing.

Section 19. Volume 3, Development Code, Section 4.1468 is amended as follows:

4.1468 Green Development Practices and Green Streets for Stormwater Management

Green Development Practices and Green Streets treat and manage stormwater runoff as close as possible to its source and mimic natural processes such as retention, infiltration, and evapotranspiration to treat and reduce the overall volume of stormwater runoff that drains into water bodies. Green Development Practices and Green Streets are a toolbox of techniques that mimic and incorporate the predevelopment hydrology of a site into the future development through two processes.

The first is to create a site design that minimizes disturbance to existing soils, tree canopy, and other sensitive natural resource features and minimizes impervious surfaces to reduce the production of surface runoff. The second is to manage runoff through techniques that use natural areas and landscaping to treat, retain, attenuate, and infiltrate stormwater on the development site instead of using only traditional piped collection and conveyance systems and regional management facilities.

Often traditional ~~piped~~-systems fail to adequately treat and reduce the volume of stormwater runoff before it is discharged into water bodies. As well ~~In addition~~, traditional ~~piped~~ systems fail to infiltrate

stormwater and recharge groundwater. This impacts nearby streams by reducing summertime flows and magnifying wintertime flows, often exacerbating flooding, eroding stream channels and aquatic habitat, and contributing to excess siltation. Additionally ~~In addition~~, untreated pollutants are washed into streams compromising water quality. ~~Conversely, green development practices treat and manage stormwater runoff as close as possible to its source and mimic natural processes such as retention, infiltration, and evapotranspiration to treat and reduce the overall volume of stormwater runoff that drains into waterbodies.~~

Stormwater Management

(A) Definitions

- (1) Green Development Practices. Green Development Practices are defined as stormwater management techniques that utilize the processes of retention, infiltration, and evapotranspiration to treat runoff and reduce the volume of stormwater. Design standards and requirements for Green Development Practices are included in the city of Gresham's Water Quality Manual.
 - (2) On-site/On-lot Stormwater Management. On-site/on lot stormwater management techniques utilize facilities that the City has determined reduce net stormwater runoff from an improved property and reduce pollution entering surface water and groundwater. Onsite/on lot stormwater management facilities must be designed and constructed to City standards and be located as close to the source of runoff as possible. These facilities shall be located on private property and shall be privately owned and maintained. Acceptable on-site/on lot facilities shall be identified by the City.
 - (2) Green Streets. Green Streets are defined as streets that incorporate Green Development Practices within the right-of-way to treat, retain, and infiltrate stormwater runoff. Green Street section and design standards are included in the City of Gresham's Public Works Standards for each street classification.
 - (3) Regional Management Facilities. Regional Management Facilities are identified in the most recent version of the Pleasant Valley Stormwater Master Plan and are defined as stormwater management ponds designed to detain stormwater from large, pre-planned areas. Regional Management Facilities provide stormwater detention for large storm events that exceed the capacity of Green Development Practices. They work in conjunction with Green Development Practices and Green Streets to manage stormwater in a comprehensive way to best mimic pre-development hydrology. Design standards and requirements for regional management facilities are included in the City of Gresham's Water Quality Manual.
 - (4) On-Site Stormwater Management. On-site stormwater management is defined as the management of stormwater as close to the impervious source as possible. For public streets, on-site stormwater management is defined as management within the public right-of-way. For single-family homes and multi-family or commercial buildings, on-site stormwater management is defined as management within the individual tax lot. For attached single-family development, on-site stormwater management is defined as management within the collective boundary of all of the individual tax lots.
- (B) Purpose and Scope. The regulations of this chapter ~~implement the management of stormwater runoff from all new development in ways that minimize impacts on localized and downstream flooding and protect water quality and aquatic habitat through the use of green development practices. The guiding principal of green development practices is to mimic the natural hydrology of watersheds to manage stormwater drainage and water quality, moderate air and water~~

~~temperatures, and provide aesthetic value, require the use of Green Development and Green Streets to manage stormwater runoff on-site from all new development. Through the use of Green Development Practices and Green Streets, local and downstream flooding impacts will be minimized and water quality and aquatic habitat will be protected to the maximum extent practicable.~~

- (C) Stormwater runoff from new development shall be managed on-site with Green Development Practices to the maximum extent practicable. Green Development Practices shall be designed per the requirements set forth in the Gresham Water Quality Manual. Applicants for new development must submit a stormwater management plan. The stormwater management plan, as required by the Gresham Water Quality chapter for Pleasant Valley, shall provide details for developing in a manner that eliminates adverse impacts to water quality and aquatic habitat in downstream water bodies, with a particular focus on water quality parameters that are listed under Section 303(d) of the Clean Water Act and species that are listed as threatened or endangered under the Endangered Species Act. The stormwater management plan shall be approved by the manager or his/her designee and include the following:
- ~~(1) The location and areas of all impervious surfaces.~~
 - ~~(2) The location of all facilities for managing stormwater runoff from new impervious surfaces.~~
 - ~~(3) All facilities shall comply with the standards set forth in the Gresham Water Quality chapter for Pleasant Valley.~~
 - ~~(4) Applicants seeking exemptions for on-site stormwater management requirements listed in section C must follow the procedures outlined in the Gresham Water Quality chapter for Pleasant Valley.~~
 - ~~(5) A site plan showing the location of stormwater facilities and the accompanying property deed must be recorded with Multnomah County. The site plan shall also reference the applicable development permit file number and indicate that the approved design plans and maintenance agreement/plan for the facilities are on file with the City of Gresham Department of Environmental Services/Stormwater Division.~~
 - ~~(6) For development with special landscaping requirements stormwater may be directed into other required landscaping provided that the facilities listed in the Gresham Water Quality chapter for Pleasant Valley are used for stormwater management.~~
- ~~(D) After management with Green Development Practices and Green Streets facilities, excess stormwater shall be directed to Regional Management Facilities to the maximum extent practicable prior to release to natural waterways. Regional Management Facilities shall be designed per requirements set forth in the Gresham Water Quality Manual.~~
- (E) Submittal Requirements Prior to Tentative Land Division or Site Design Approval. Prior to tentative land division or Site Design approval, applicants for new development must submit a stormwater management plan with the development permit application. The stormwater management plan, as required by the Gresham Water Quality Manual, shall provide details for developing in a manner consistent with this section. The stormwater management plan shall include the following:
- (1) The location and areas of all impervious surfaces within the future public right-of-way. Generalized assumptions for areas of impervious surfaces on future private property.

- (2) The location of all Green Street facilities for managing stormwater runoff from new impervious surfaces within the future public right-of-way.
- (3) A table that lists the anticipated Green Development Practices for each lot within the development and overflow point. Overflow points shall either be specified as public storm pipe, weep hole to street gutter, private storm pipe, surface flow, or other.
- (4) All Green Street facilities shall comply with the sizing and design standards set forth in the Gresham Water Quality Manual and Public Works Standards.
- (5) Applicants seeking exemptions for on-site stormwater management requirements listed in this section must follow the procedures outlined in the Gresham Water Quality Manual.
- (F) Submittal Requirements Prior to Building Permit Approval. Prior to building permit approval, applicants for development on private property must meet Green Development Practice submittal requirements as specified in the Gresham Water Quality Manual, including the following items at a minimum:
- (1) The location of all Green Development Practices, shown on the permit drawings.
- (2) Typical cross-section for each Green Development Practice, shown on the permit drawings.
- (3) Piping used to direct stormwater runoff from impervious surfaces to Green Development Practices, shown on the plumbing permit drawings.
- (4) Form SIM facility sizing calculations from the Gresham Water Quality Manual.
- (5) Completed operations and maintenance agreement (Form O&M) from the Gresham Water Quality Manual. Form O&M must be recorded with the County prior to building permit approval.
- (DG) Parking lot landscaping may be used as ~~the water quality treatment facility~~ Green Development Practice for parking lots, if designed as provided by the Gresham Water Quality Manual.
- (1) Purpose: This section is enacted with the purpose of achieving multiple functions from parking lot landscaping by using it for on-site/on lot stormwater ~~management facilities for water quality treatment~~.
- (2) Appropriate designs are contained in the Gresham Water Quality chapter for Pleasant Valley
- (3) Landscaping for stormwater management within parking lots will count towards total percentage of landscaping required on site.
- (EH) ~~After management in green Development Practices, excess stormwater~~ Stormwater discharges from private property must be discharged into an approved conveyance facility.
- (F-I) A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this chapter.
- (G-J) Operations and maintenance requirements.

The property owner, its successors or assigns, including any homeowner association, shall adequately maintain the on-site/on lot stormwater management facilities Green Development Practices according to the recorded operations and maintenance agreement, specifications for these facilities outlined in the most recent version of the Gresham Water Quality chapter for Pleasant Valley. The applicant shall enter into a maintenance agreement/plan with the City, which specifies those measures necessary to ensure proper maintenance and performance of the facilities. As required by paragraph C.5 of this section, the recorded site plan showing the location of the stormwater facilities shall indicate that a City-approved maintenance agreement/plan is on file with the City of Gresham Department of Environmental Services Stormwater Division and that the facilities must be operated and maintained in a manner consistent with the agreement/plan.

~~(2) A homeowners association may take over maintenance of on-site stormwater facilities provided that the homeowners association enters into a contract with the City agreeing to take over operations and maintenance from the property owner(s) and provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements. In lieu of a contract with the homeowners association, the City may adopt code provisions regarding a property owner's ultimate responsibility to adequately maintain on-site stormwater facilities if the homeowner association fails to do so.~~

(H K) Landscaping

- (1) This section is enacted with the goal of utilizing required landscaping for the purpose of protecting and enhancing water quality and aquatic habitat by providing for the infiltration, storage, and treatment of surface water runoff.
- (2) Landscaping for stormwater management will count towards total percentage of landscaping required on site.
- (3) Detailed landscaping requirements for Green Development Practices are included in the Gresham Water Quality Manual.

Section 20. Volume 3, Development Code, Section 4.1471 is amended as follows:

4.1471 Applicability

Master plan approvals are required ~~concurrent with annexation before or concurrent with any development applications under Section 6.0200 Partitions and Subdivisions and/or Article VII site Design Review~~. Subsequent land use approvals must be consistent with the master plan.

Section 21. Volume 3, Development Code, Section 4.1473 is amended as follows:

4.1473 Level of Detail

(A) Master plans are intended to display conceptual designs for land use, transportation, natural resource areas, and other physical attributes of the subject property. Similarly, public facility information is intended to be submitted at a conceptual level of detail sufficient to demonstrate compliance with the approval criteria.

(B) In addition to the submittal requirements of 11.0211 (Development Permit Application) 10 copies of a Master Plan site plan shall be submitted along with an 8-1/2 x 11-inch or 11 x 17 inch reduced copy of the Master Plan site plan. The Master Plan site plan must characterize all graphic data to scale.

(C) If the applicant is in exclusive ownership of only part of the master plan area then the applicant shall provide proof of attempt to contact those other owners by registered mail. The purpose of this provision is to encourage and provide opportunity for those property owners to participate in the master plan effort.

Section 22. Volume 3, Development Code, Section 4.1475 is amended as follows:

4.1475 Neighborhood Design Guidelines

(B) Lots with less than 50 feet of frontage shall receive access from a rear alley, parking court, an access that is shared with an adjoining property, or other similar access technique approved by the City.

Section 23. Volume 3, Development Code, Section 4.1476 is amended as follows:

4.1476 Housing Variety

The purpose of this element is to: (a) assist in meeting the housing mixes intended for Pleasant Valley, as described in the Comprehensive Plan, (b) avoid over-repetition of the same building type/lot size, and (c) promote housing choices.

All master plans shall conceptually map and describe the proposed housing mix to demonstrate that a variety of lot sizes and/or building types have been provided.

- (A) In the LDR-PV Sub-district, this standard is met by providing a housing mix that meets one of the following:
- (1) A variety of lot sizes for detached dwellings where at least 30 percent of the proposed lots are greater than 7500 square feet and the remaining lots are either less than 7500 square feet or are attached dwellings, or
 - (2) At least 15 percent of the dwellings have accessory dwellings, or
 - (3) At least 30 percent of the dwellings shall be alley loaded and at least two of the street level variety techniques as listed in subsection (5) are implemented within the development, or
 - (4) At least 30 percent of the dwellings shall have attached or detached garages that are either flush or behind the rear building line of the dwelling with access to the front and/or rear of the lot, or
 - (5) Street level variety, four of the following:
 - a. 100 percent varied front setbacks at a minimum of 3 feet to adjoining lots;
 - b. 5 or more front elevations with no two the same side by side or opposite;
 - c. A minimum of two types of front exterior surface treatment, e.g. lap siding, stone, brick, stucco, etc.;
 - d. 30 percent with attached covered front porch and railing, 48 square feet or larger;
 - e. 6:12 gable roofs with 2X8 fascia and front elevation shutters;
 - f. At least 2 or more vertical columns are provided on the front facade of the dwelling. Architectural styles may include Corinthian, Doric, Egyptian, Ionic Romanesque, etc.
 - g. 30 percent attached garage located 5 feet or more behind the front building line;
 - h. Front (street facing) dwelling window treatments that include one or more of the following: bay, bow, box, casement, double-hung, etc.;

i. Garage door treatment, e.g. 4 panel windows, carriage door, etc.; or

~~(3)~~ (6) Other techniques found to be consistent with the purpose of this standard.

(B) In the MDR-PV Sub-district, the housing variety standard is met by providing a housing mix that complies with the requirements listed below.

(1) For development of 40 dwelling units or less, a mix of housing types must include at least two of the following: Single-Family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If two housing types are provided, ~~one~~ the lesser number must be at least 30% of the total dwellings. If three or more housing types are provided, two of lesser number of them must comprise at least 30% of the total dwellings;

(2) For development of more than 40 dwelling units, a mix of housing types must include at least three of the following: Single-Family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), two-unit attached dwellings, live-work units, and residential community service uses. If three or more housing types are provided, two of the lesser number of them must comprise at least 30% of the total dwellings;

(3) For developments of more than 40 dwelling units, a mix of building types, within the same housing type, is required. Building types may vary according to number of units per building, orientation of front entries (street versus courtyard), and number of stories. Live-work units count as a separate building type. A minimum of three building types must be provided, with two of lesser number of them comprising at least 30% of the dwellings.

(4) Other techniques ~~approved by the review body,~~ which are found to be consistent with the purpose of this standard.

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

~~The LDR Housing Variety per section 4.1476 is met; and~~

~~The MDR Housing Variety per section 4.1476 is met; or~~

~~Other techniques found to be consistent with the purpose of this standard and~~

~~The density does not exceed the maximum density allowed by the underlying residential sub-districts.~~

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

Section 24, Volume 3, Development Code, Section 4.1477 is amended as follows:

4.1477 Density Transition

The planned variety of housing types and mix of densities in Pleasant Valley will benefit from carefully planned transitions between the various building types and lot sizes. Transitions of housing types and density shall consider the following guidelines ~~in annexation master plans:~~

Section 25. Volume 3, Development Code, Section 4.1479 is amended as follows:

4.1479 Circulation Network

The master plan shall display a conceptual lay out of streets, alleys, pedestrian routes, bicycle routes, trails and transit facilities, and other applicable elements to illustrate a complete transportation network. ~~The circulation network shall comply, on a conceptual level, with~~ should reflect the Pleasant Valley Transportation System Plan. While the master plan circulation network is conceptual, it shall show conformance with the following: functional street designations; block length; block perimeter; street intersection spacing; street curvature; and trails.

The conceptual future alignments of street extending from the master plan shall allow for future circulation and demonstrate how access could be provided for adjacent parcels within 600 feet of boundaries of the master plan. Streets shall be designed to form a system of complete blocks and connected circulation network.

Section 26. Volume 3, Development Code, Section 4.1481 is amended as follows:

4.1481 Stormwater Management, Green Development Practices and Green Streets Practices

A stormwater management plan consistent with the Pleasant Valley Master Plan and Section 4.1468— ~~Green Practices shall be described generally describes the proposed facilities and demonstrates compliance with the most recent version of the Pleasant Valley Stormwater Master Plan shall be submitted. If the Master Plan contains Regional Management Facilities (see definition in section 4.1468)~~ the plan must demonstrate that adequate space has been allocated for the future facility. Preliminary hydraulic engineering calculations verifying that the Regional Management Facility is sized adequately may be required by the Watershed Management Division where sizing changes may significantly impact circulation or lotting patterns.. The sizing of regional management facilities shall assume that Green Streets and Green Development Practices are used throughout the development.

The plan shall call out the use of Green Streets as specified in the COG Public Works Standards, and Green Development Practices as specified in the COG Water Quality Manual and Section 4.1468, throughout the development.

Section 27. Volume 3, Development Code, Section 4.1483 is amended as follows:

4.1483 Procedures

Master plans shall be submitted before or concurrent with any development applications under Section 6.0300 Partitions and/or Article VII Site Design Review annexation and Community Plan Map amendments, so that the three land use decision can be reviewed as a coordinated package. The package of requests will be processed as a Type IV procedure. Upon receipt of complete applications for the annexation, plan map amendment and master plan review, the City shall review the applications concurrently as a package.

~~The City may delay the requirement for submitting of a master plan when it is shown that such action will not result in substantial development that could preclude compliance with applicable code provisions and comprehensive plan policies. Master plans that are submitted following annexation will be reviewed as a Type III procedure.~~

Section 28. Volume 3, Development Code, Section 4.1484 is amended as follows:

4.1484 Approval Criteria

In approving a master plan, the approving authority shall find compliance with applicable sections of the Community Development Code and the following:

- (A) All applicable master plan elements and standards have been addressed and met.
- (B) If a master plan includes areas that are not under the exclusive control of the applicant the master plan shall demonstrate compliance with Section 4.1476 for the part under the exclusive control of the applicant as if it were a stand alone property. The areas not under exclusive control of the applicant shall be assumed to be within the average density range of the underlying district and will be required to demonstrate compliance with Section 4.1476 as part of subsequent land division or site design review application.
- (C) See also Section 4.1486 City-Initiated Master Plan.

Section 29. Volume 3, Development Code, Section 4.1486 is added as follows:

4.1486 City-Initiated Master Plan

The City Council may choose to initiate a Master Plan to facilitate neighborhood design. Typically a City-Initiated Master Plan will involve at least 50 acres of land and will generally encompass one or more of the neighborhoods identified in the Comprehensive Plan. A City-initiated Master Plan is required to meet all Master Plan provisions with the following exception:

- (A) 4.1476 Housing Variety. A City-Initiated Master Plan will show block patterns but need not show detailed compliance with this section. Instead the master plan will be accompanied by a lotting/housing study that demonstrates that the block patterns do not preclude consistency with Housing Variety.
- (B) In the case where a property owner or representative provides detailed housing variety plans that show compliance with this standards those plans will be included and designated in the City-initiated Master Plan. The areas where such detailed housing plans are not provided shall be assumed to be within the average density range of the underlying district and will be required to demonstrate compliance with Section 4.1476 as part of subsequent land division or site design review application.

Section 30. Volume 3, Development Code, Section 4.1490 is deleted as follows:

Planned Development

4.1490 Purpose

The purpose and intent of this section is to allow an alternative to the traditional subdivision and to allow for alternative land division patterns consistent with City policies in new community areas that encourage conservation of natural features by relating design to the existing landscape, efficient use of land and public services (particularly, but not limited to, situations where the existence of slopes, drainageways, or other natural features may preclude traditional subdivision design), and the creation of public and private

common open space. A Planned Development (PD) is such a method of applying alternative development standards for residential developments.

Section 31. Volume 3, Development Code, Section 4.1491 is deleted as follows:

4.1491 Applicability

~~A Planned Development is required for any master plan or subsequent land division that includes single-family detached lots of between 3,000 and 5,000 square feet in the MDR-PV sub-district, or any lots between 5,000 and 5,999 square feet in the LDR-PV sub-district. PD approval is required concurrent with any Master Plan proposal that would include these lot sizes. Only those housing types permitted as allowed uses in each sub-district are allowed in Planned Developments.~~

Section 32. Volume 3, Development Code, Section 4.1492 is deleted as follows:

4.1492 Approval Criteria

~~In approving a Planned Development, the approving authority shall find compliance with the following criteria:~~

- ~~(A) — The proposal implements the purpose of the section (see 4.1490).~~
- ~~(B) — The project design, building heights, bulk and scale is appropriate for this section, considering such elements as surrounding development and housing types, street system network and capacity, utility availability and the physical and/or natural features of the site. Such project design shall include transitioning measures (lower to higher height, bulk, scale and density) or buffers, so that perimeter structures of the PD are both comparable and compatible with adjacent residential development.~~
- ~~(C) — Open Space Areas~~

~~The approval authority shall evaluate proposed open space areas based on the following criteria:~~

- ~~(1) For sites with no specified ESRA sub-district designation as per subsection (2), a minimum of 25% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. This may include dedicating land for public parks consistent with Section 4.1480.~~
- ~~(2) For sites with an ESRA sub-district designation, a minimum of 30% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. Open space that conserves steep slopes and/or natural areas shall allow limited access to preserve its natural features.~~
- ~~(3) Proposed natural open spaces areas shall be located to maximize the preservation of the features identified in Subsection (7).~~
- ~~(4) The open space areas may be either public open space or private common open space.~~
 - ~~a) — Public open space must comply with requirements of Section 5.0500 of the Community Development Code. Wherever there is a conflict with Pleasant Valley Plan District provisions, the Pleasant Valley provisions will prevail.~~
 - ~~b) — Private open space shall comply with the following criteria:~~

- i. ~~Open space easements transferring development rights are dedicated to the public;~~
- ii. ~~A conservation/maintenance plan is provided; and~~
- iii. ~~There is a financial mechanism that ensures maintenance of any private open space area.~~

~~(5) The approval authority may approve the dedication of open space areas or of open space easements in concurrence with an approved land division.~~

~~(6) Open space areas that are not located in an ESRA sub-district may be improved with active recreation uses or landscaping/passive recreation uses. Active recreation areas shall include, but are not limited to: swimming pools; tennis, basketball, volleyball and badminton courts; children's play areas; baseball and soccer fields, etc. Landscaping or passive recreation uses shall include, but are not limited to: picnic and barbecue facilities; reflections parks; lawn and other landscaped areas; and community gardens, etc. Active open space areas shall be of a sufficient size for the proposed active use. Non ESRA active and passive open space areas shall be made accessible to all residents of the development.~~

~~(7) Proposed open space areas shall be located so as to encourage the conservation of natural features and the protection of steep slopes. The following topographic features, natural resources and other features shall be mapped and identified as part of the application:~~

~~a) Significant natural and cultural features:~~

- i. ~~Water resources, streams, drainageways, ponds, lakes, fish habitat or wetlands;~~
- ii. ~~Historically or culturally significant sites;~~
- iii. ~~Ecological or scientifically significant areas, such as Hogan Cedar trees;~~
- iv. ~~Significant trees and significant tree groves;~~
- v. ~~Land areas within the ESRA sub-district;~~
- vi. ~~Land areas with slopes greater than 35%.~~

~~b) Other natural features:~~

- i. ~~Trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree;~~
- ii. ~~Geologic features;~~
- iii. ~~Scenic views and landscapes.~~

~~(D) If a PD is proposed as part of a Master Plan submittal per Section 4.1470 of the Pleasant Valley Community Plan, the PD must be processed together with the Master Plan and tentative plan approval obtained as part of any Master Plan approval.~~

~~(E) If a PD is proposed subsequent to the approval of a Master Plan and Annexation, in addition to the PD requirements of this section, the proposal must demonstrate general consistency with the approved Master Plan, or submit and obtain approval for a Revised or Refined Master Plan together with the PD approval.~~

~~(F) Alleyway vehicular access is required for a PD in the MDR PV district and/or for any lots in the LDR PV district proposed with less than 50 lineal feet of public street frontage.~~

~~(G) A PD in the Pleasant Valley Community Plan area is required to demonstrate consistency with the density range requirements of the district within the proposed PD. (This may require a mix of small and larger lots or all lots being larger than the minimum permitted lot size.)~~

~~(H) Where a PD is proposed in the LDR-PV sub-district, the applicant may process the PD together with any other required approvals (such as a larger or adjacent standard subdivision) where the combined land division is proposed to be developed together.~~

~~(I) Where a PD is proposed in the MDR-PV sub-district and the overall project includes a mix of housing types, the applicant may process the PD together with any other required approvals (such as Site Design Review), or may elect to apply for the PD as a separate action.~~

Section 33. Volume 3, Development Code, Section 9.0702 is amended as follows:

9.0702 Applicability

(B) An applicant is required to submit a future street plan as part of an application for development except when the applicant demonstrates to the satisfaction of the Manager one of the following:

(3) The proposed street layout is consistent with an adopted Pleasant Valley master plan.

Section 34. Volume 3, Development Code, Section 9.0712 is amended as follows:

9.0712 Compliance with or Revision to Future Street Plans

New developments shall be consistent with adopted Future Street Plans and/or Pleasant Valley Master Plan. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. In the case where the development is within an adopted Pleasant Valley Master Plan, a revision shall only occur through an amendment to the Master Plan. A revision to an approved future street plan may be approved by the Manager under a Type II procedure when it is applied for in conjunction with a land division or site plan review application. A revision to an approved future street plan may be reviewed by the Planning Commission under a Type III procedure when it is applied for independent of any land development application. An approved future street plan may be revised by the council in conjunction with a revision to the Community Development Code, under the Type IV procedure. All revisions to future street plans must comply with Section 9.0710.

Section 35. Volume 3, Development Code, Section A5.402 is amended as follows:

A5.402 Streets - General Design Requirements

(D) For Residential Subdivisions and for Attached Dwellings on a Single Lot

For Residential Subdivisions and for Attached Dwellings on a Single Lot

The primary local street shall be the local queuing street. The local transitional street shall be used only when consistent with Section A5.501(F)(2) or when exceptions are allowed to the maximum 400-foot block length due to topographic or physical constraints, ~~or existing development patterns, or~~ as approved through an adopted Pleasant Valley Master Plan. A cul-de-sac, a minor access street or the termination of an existing temporary cul-de-sac may be approved consistent with Sections A5.501(F)(4), A5.501(F)(5), and A5.042(E) & (F), or as approved through an adopted Pleasant Valley Master Plan. A local lane may be approved consistent with Section A5.501(F)(3), or as approved through an adopted Pleasant Valley Master Plan. Street layouts shall be generally

rectilinear and may be aligned as physically proper to adapt streets to topographic or other natural conditions; or to provide a variety of alignments or grid patterns within an interconnected street system. Street layouts should discourage the use of local streets by non-local traffic from adjacent collectors and arterials.

Block length for local queuing streets shall not exceed 400 feet and for local transitional streets, connectors, community streets, collectors, boulevards, and arterials shall not exceed 530 feet between intersecting streets measured along the nearside right-of-way line. Block and perimeter lengths may be exceeded where precluded by topographic or other physical constraints, or existing development patterns, or as approved through an adopted Pleasant Valley Master Plan; average perimeter of the blocks formed by local and collector streets should be 1000 feet to 1500 feet.

Section 36. Volume 3, Development Code, Section A6.090 is amended as follows:

A6.090 Residential Districts

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

Section 37. Volume 3, Development Code, Section A6.100 is amended as follows:

A6.100 Commercial, Mixed Use and Industrial Districts

Signs in the NC, GC, RTC, SC, CMU, CC, MC, BP, LI and HI Districts and in the NC-PV, MUE-PV, TC-PV, EC-PV, VC-SW, RTI-SW, IND-SW and NC-SW sub-districts shall be subject to the following limitation, except for multi-business complexes (see Section A6.101 for multi-business complexes):

(A) Free-standing Signs:

(3) Number. One sign per site shall be permitted, except in the BP, LI and HI districts and the EC-PV, RTI-SW and IND-SW sub-districts where industrial users on parcels of 10 acres or larger may one sign per street frontage. However, no free-standing sign shall be permitted on the same site where there is a projecting sign.

Section 38. Volume 3, Development Code, Section A6.110 is amended as follows:

A6.110 Community Service Development

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

Section 39. Volume 3, Development Code, Section A6.130 is amended as follows:

A6.130 Sidewalk A-board Signs

Within the Downtown Plan District, the Rockwood Town Center District, the Station Center District, the Corridor Mixed-Use District, and the Civic Neighborhood Plan District and the Pleasant Valley Town Center sub-district, the Pleasant Valley Mixed Use Employment sub-district and the Springwater Village Center sub-district on public sidewalks and within a multi-business complex on an internal private sidewalk, A-board signs shall be permitted subject to the following criteria:

Section 40. Volume 3, Development Code, Section A6.132 is amended as follows:

A6.132 Residential District A-Board Signs

Within the Moderate Density Residential-12, Moderate Density Residential-12, Corridor Multi-Family and Office/Residential Districts, and the LDR-PV, MDR-PV, HDR-PV, VLDR-SW, LDR-SW and THR-SW sub-districts, on-premise A-board signs shall be permitted subject to the following criteria:

Section 41. Volume 3, Development Code, Section A6.133 is amended as follows:

A6.133 Commercial/Industrial District A-Board Signs

Within the Neighborhood, General, Moderate, and Community Commercial Districts, and the TC-PV, MUE-PV, NC-PV, NC-SW and VC-SW sub-districts, and for permitted retail sales in the Business Park, Light Industrial and Heavy Industrial districts, and EC-PV, RTI-SW and IND-SW sub-districts, on-premise A-board signs shall be permitted subject to the following criteria:

Section 42. Emergency Enactment

An emergency is hereby declared to exist, and this ordinance shall take effect immediately upon passage of the second reading.

First reading: May 1, 2007

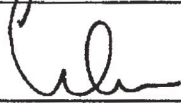
Second reading and passed: May 15, 2007

Yes: Bemis, Echols, Bennett, Craddick, Strathern, Warr-King Nielsen-Hood

No: None

Absent: None

Abstain: None

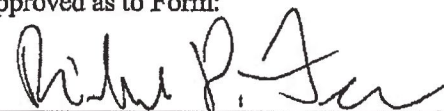


City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney