



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

January 12, 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 005-06

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: January 26, 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  
John Pettis, City of Gresham

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**FORM 2**

DEPT OF

**DLCD NOTICE OF ADOPTION**

JAN 08 2007

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)

CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Gresham

Local File No.: CPA 06-152

(If no number, Use none)

Date of Adoption: 1/02/07

(Must be filled in)

Date Mailed: 1/05/07

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 8/24/06

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."

Prohibits rowhouses in the Low Density Residential (LDR) district; limits duplexes in the LDR District, allowing them only on certain lots of subdivisions that were previously approved by the City prior to 12/19/96; changes standards for partitioning or subdividing "left-over parcels"; changes regarding perimeter lot compatibility standards; prevents lots of 8,000-14,000 s.f. created through the large lot subdivision option of the Development Code to be divided later; amends definition of "lot".

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."

- Instead of prohibiting duplexes in LDR as mentioned in "1)" of the original notice, the adopted version "limits" them by allowing them only on certain lots of subdivisions that were previously approved by the City prior to December 19, 1996, as presently allowed by Community Development Code Section 4.0131(E). However, they would not be allowed as part of any new subdivisions or partitions.
- Instead of not allowing "left-over parcels" in LDR as mentioned in "2)" of the original notice, the adopted version continues to allow them in LDR. However, when a left-over parcel is later partitioned or subdivided in the LDR district, the adopted version requires the left-over parcel to be divided in a way that meets the requirements of Community Development Code Section 6.0212, the Perimeter Lot Size Compatibility Standard.
- The following two provisions were added in the adopted version:
  - Allowing properties in LDR (generally in the range of 21,000 to 32,000 sq.ft.) that are large enough to be divided but which cannot meet both the Perimeter Lot Size Compatibility Standard and the LDR Minimum Density Standard (1 unit per 7,000 sq.ft.) to be developed but only at the minimum density required by the LDR district "rounded down".
  - Prevent lots (8,000-14,000 sq.ft.) created through the large lot subdivision option of Community Development Code Section 4.0140 to be later divided.

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

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

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

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

Applicable Statewide Planning Goals: 1, 2, & 10

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

DLCD# 005-06(15495)



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

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

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

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

Local Contact:  John Pettis, Associate Planner

Area Code + Phone Number:  503) 618-2778

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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



Proposed new text is double-underscored.  
 Proposed deleted text is ~~stricken through~~.

CB 19-06

ORDINANCE NO. 1637

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN, REGARDING ROWHOUSES/DUPLEXES AND PERIMETER LOTS IN THE LOW DENSITY RESIDENTIAL DISTRICT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 4.0110 is amended as follows:

Proposed Text Amendment

**4.0110 Low Density Residential (LDR)**

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

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

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

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**Table 4.0120: Permitted Uses In The Residential Land Use Districts**

USES	LDR	TLDR	MDR-12	MDR-24	OFR
(A) Detached dwellings	P	P	P (on a lot of record)	NP	P (on a lot of record)
(B) Manufactured homes	P	P	P (on lot of record)	NP	P (on lot of record)
(C) Manufactured dwelling parks	NP	P	P	NP	NP
(D) Attached dwellings on a single lot	NP	NP	P	P	P
(E) Single family attached dwellings	<del>P<sup>4</sup></del> NP	P	<del>P<sup>6.2</sup></del>	<del>P<sup>6.2</sup></del>	<del>P<sup>6.2</sup></del>
(F) Two-unit attached dwellings	<del>P<sup>7</sup></del> L <sup>6</sup>	P	P	P	P
(G) Accessory dwellings	P <sup>1</sup>	P <sup>1</sup>	NP	NP	NP
(H) Community services	P	P	P	P	P
(I) Accessory structures	P	P	P	P	P
(J) Home occupations	P	P	P	P	P
(K) Existing grazing, agriculture or horticulture uses	P	P	P	P	P
(L) Poultry and livestock	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	NP
(M) Temporary uses	P	P	P	P	P



(N) Parking or storage of not more than five motor vehicles per dwelling unit	P	P	P	NP	NP
(O) Residential Facility	NP	NP	P	P	P
(P) Residential Home	P	P	P (On a lot of record)	NP	P (On a lot of record)
(Q) Temporary Health and Hardship Dwellings	NP	NP	P <sup>3</sup>	L <sup>3</sup>	P <sup>3</sup>
(R) Interim office uses in existing detached dwelling structures	NP	NP	NP	P	NP
(S) Mini-Storage Facilities	NP	NP	NP	P	NP
(T) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as clothing, computer, and telephone stores	NP	NP	NP	NP	L <sup>54</sup>
(U) Retail service establishments providing services or entertainment to the general public such as eating and drinking places and banks	NP	NP	NP	NP	L <sup>54</sup>
(V) Offices & Clinics	NP	NP	NP	NP	P
(W) Other retail trade and retail service uses which, in the determination of the Manager are pedestrian-oriented	NP	NP	NP	NP	L <sup>54</sup>

**Table 4.0120 Notes**

- 1 See Section 4.0137
- 2 If kept over 100 feet from any residence other than the dwelling on the same lot except as provided by Section 10.0900.
- 3 See Section 10.1300.
- 4 ~~No more than four (4) single family attached dwellings in any contiguous group.~~
- 54 Limited retail trade, retail services or business services when found to be consistent with the requirements of Section 4.0134.
- 65 Single-family attached dwellings are required to meet density standards of the underlying land use district and applicable criteria of Section 7.0200.
- 76 See Section 4.0131(E).

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

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**Table 4.0130: Development Requirements For Residential Land Use Districts**

	LDR <sup>1,2</sup>	TLDR	MDR-12	MDR-24	OFR
<b>(A) Minimum Site Size</b>	None	None, except 20,000 square feet for manufactured dwelling park <sup>14</sup> <sup>13</sup>	<b>Attached dwellings:</b> 7,200 square feet <b>Manufactured dwelling parks:</b> 20,000 square ft.	11,000 square feet	7,200 square feet
<b>(B) Minimum Lot Size:</b>					
<b>Detached dwelling unit / manufactured home:</b>	5,000 square feet	None	Not Applicable	Not Applicable	Not Applicable



<b>Single family attached dwellings:</b>	<u>Not Applicable</u> 2,000 sq. ft. <sup>3</sup>	None	3,600 square feet	No minimum lot size	3,600 square feet
<b>Two-unit attached dwelling (duplex):</b>	<u>Not Applicable</u> 6,000 square feet (3,000 square feet per unit). Also See <u>Section 4.0131</u>	None	7,200 square feet	3,600 square feet	7,200 square feet
<b>(C) Density:</b> (1) Minimum Density	1 unit per 7,000 square feet <sup>15 14</sup>	1 unit per 4,356 square feet of land area. <sup>15 14</sup> <b>Manufactured dwelling park:</b> 1 unit per 6,223 square feet	<b>Attached dwellings:</b> 1 unit per 5,000 square feet of land area <sup>5 4</sup> <b>Manufactured dwelling park:</b> 1 unit per 11,500 sq. ft.	1 unit per 3,600 square feet of land area <sup>6 2</sup>	1 unit per 5,000 square feet of land area
(2) Maximum Density	1 unit per 5,000 square feet. Also See <u>Section 4.0131(A)</u> .	1 unit per 2,178 square feet of land area <b>Manufactured dwelling park:</b> 1 unit per 3,111 square feet	<b>Attached dwellings:</b> 1 unit per 3,600 square feet of land area <b>Manufactured dwelling park:</b> 1 unit per 5,000 square feet	1 unit per 1,800 square feet of land area Also See <u>Section 4.0134(E)</u>	1 unit per 3,600 square feet of land area

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

	LDR <sup>1,2</sup>	TLDR	MDR-12	MDR-24	OFR
<b>(D) Minimum Lot Dimensions</b>	<b>Single Family detached:</b>	None, except single-family attached shall be as per MDR-24 single-family attached	(1a) 65 feet (1b) 70 feet	<b>All uses except single family detached:</b>	(1a) 60 feet (1b) 70 feet
(1) Width at building line (a) Interior lot (b) Corner lot	(1a) 35 feet (1b) 40 feet (2a) 70 feet (2b) 70 feet;		(2a) 90 feet (2b) 100 feet.	(1)(a) 60 feet (b) 70 feet (2) 100 feet	(2) 100 feet
(2) Depth (a) Interior lot (b) Corner lot	For others, see Section 4.0131(C)		<b>Single Family Attached Dwellings:</b> (1)(a) 16 feet <sup>7 8</sup>  (b) Corner lot <sup>8 9</sup>  (2) 0 feet	<b>Single Family Attached Dwellings:</b> (1)(a) 16 feet <sup>7 8</sup>  (b) Corner lot <sup>8 9</sup> (2) 0 feet	



<b>(E) Minimum Yard Setback</b>	See Table 4.0130(E). See Section 4.0139 for infill setback standards.	See Table 4.0130(E) -page [4.01]-8 lot <sup>12,13</sup> See Section 4.0139 for infill setback standards.	See Table 4.0130(E) - page [4.01]-8	See Table 4.0130(E) -page [4.01]-8	See Table 4.0130(E) - page [4.01]-8
<b>(F) Maximum Building Height</b>	35 feet. See Section 10.1100 for shoreline height standards.  See Section 4.0139 for infill height standards.	35 feet. See Section 4.0139 for infill height standards.	35 feet. See Section 9.0600 when abutting an LDR District for height transition standards.	<b>Single family attached dwellings:</b> 35 feet. Other attached dwellings: 3 stories or 40 feet. Also see Sec. 4.0134(A). When abutting an LDR District see Section 9.0600 for height transition standards.	35 feet. Also see Section 9.0600 for height transition standards. See Section 4.0134(C).
<b>(G) Height Transition</b>	Not Applicable	Not Applicable	Yes, when abutting an LDR District	Yes, when abutting an LDR District	See Section 9.0600
<b>(H) Minimum Street Frontage lot<sup>2,4</sup></b>	35 feet. Corner lots: 40 feet except attached single-family dwellings: 16 feet; for corner lots <sup>3,4</sup>	See Table Note 12.	45 feet except attached single-family dwellings: 16 feet; corner lots <sup>3,4</sup>	<b>Attached dwelling units:</b> 45 feet  <b>Attached single-family dwellings:</b> Interior lot = 16 feet; for corner lots <sup>3,4</sup>	Not Applicable except attached single-family dwellings: 16 feet; for corner lots <sup>3,4</sup>

**Table 4.0130: Development Standards For Residential Land Use Districts, continued**

	LDR <sup>1,2</sup>	TLDR	MDR-12	MDR-24	OFR
<b>(I) Public Facilities. Site and Supplementary Requirements</b>	See Section 4.0132(F)	See Section 4.0132(F)	See Section 4.0134(F)	See Section 4.0134(F)	See Section 4.0134(F)
<b>(J) Commercial Development</b>	Not Applicable	Not Applicable	Not Applicable	Not Applicable	See Section 4.0134(B)
<b>(K) Limited retail trade, retail</b>	Not Applicable	Not Applicable	Not Applicable	Not Applicable	See Section 4.0134(B)
<b>(L) Mini-Storage Facilities</b>	Not Applicable	Not Applicable	Not Applicable	See Section 4.0138	Not Applicable
<b>(M) Off Street Parking</b>	See Section 9.0800	See Section 9.0800 <sup>12,13</sup>	See Section 9.0800	See Section 9.0800	See Section 9.0800
<b>(N) Safe Neighborhood Design Performance Standards</b>	See Section 4.0132(D)	See Section 4.0132(D) <sup>12,13</sup>	Not Applicable	Not Applicable	Not Applicable



<b>(O) Buffers</b>	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Sec. 9.0100 <sup>12 13</sup>	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100	See Buffer Matrix, Section 9.0100
<b>(P) Infill Development Standards</b>	See Section 4.0139.	See Section 4.0139.	Not Applicable	Not Applicable	Not Applicable

**Table 4.0130 Notes:**

- <sup>1</sup> Refer to Section 4.0131(E).
- <sup>2</sup> Refer to Section 4.0132(C).
- <sup>3</sup> ~~There shall be no more than four single family attached dwellings in any contiguous group.~~
- <sup>4</sup> As measured from the corner radius end point to the property corner 25 feet if there is an alley or shared access and 32 feet if there is no alley or shared access.
- <sup>5</sup> This does not apply to lots of record less than 7,200 square feet.
- <sup>6</sup> This does not apply to lots of record less than 11,000 square feet in size.
- <sup>7</sup> This does not apply to lots of record less than 20,000 square feet in size.
- <sup>8</sup> Single family attached dwelling lots of less than 22 feet width shall take access from an alley or from a shared access.
- <sup>9</sup> Abuts an alley = 16 feet; shared access = 25 feet; no alley or shared access = 42 feet
- <sup>10</sup> 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.
- <sup>11</sup> Parking stalls, aisles and maneuvering areas not allowed in setbacks.
- <sup>12</sup> All permitted uses except single family attached dwellings: 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner. Single family attached dwellings: 16 feet, except corner lots shall be 25 feet as measured from the corner radius end point to the property corner if there is an alley or shared access, and 32 feet from the corner radius end point to the property corner if there is no alley or shared access. A reduction in the minimum street frontage may be approved when the applicant can document compliance with Section 10.1520 of the Community Development Code.
- <sup>13</sup> For manufactured dwelling parks this provision is replaced by the requirements of Section 7.0211.
- <sup>14</sup> The minimum site size standard of Table 4.0130 shall be satisfied prior to issuance of a development permit for manufactured dwelling parks.
- <sup>15</sup> The minimum density standards do not apply to the partition of parent parcels of 20,000 square feet or less in the LDR District and the partition of parent parcels of 13,000 square feet or less in the TLDR District.

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

Single Family Detached: [6]	FRONT			SIDE					REAR	
	Front Facade/Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/ No Alley	Rear/ With Alley
<u>LDR</u> [1]	10 feet	6 feet	18 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 feet	15 feet	6 feet
<u>TLDR</u> [1]	10 feet	6 feet	18 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 feet	15 feet	6 feet
<u>MDR-12</u>	10 feet	10 feet	18 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
<u>OFR</u>	10 feet	10 feet	18 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA



<u>Single Family Attached:</u> [6]										
<u>LDR</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	15 feet	6 feet
<u>TLDR</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	10 feet	6 feet
<u>MDR-24, MDR-12, OFR</u> [2][3]	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	10 feet	6 feet
<u>Attached Dwellings:</u> [6]										
<u>MDR-12</u> [2][3][4]	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 feet [5]	15 feet	15 feet
<u>MDR-24</u> [2][3][4]	10 feet [5]	6 feet [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 feet [5]	15 feet	15 feet
<u>OFR</u> [2][3][4]	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	[5]	NA [5]	NA [5]	15 feet	15 feet

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**Section 4. Volume 3, Development Code, Section 4.0131 is amended as follows:**

Proposed Text Amendment

**4.0131 Additional Low Density Residential (LDR) District Standards**

(A) Average Density

\*\*\*\*\*

- (6) ~~A~~ lots created for ~~single family attached dwellings, two unit attached dwellings and for a~~ pre-existing dwelling (if not included in the average lot size calculation) shall be so designated on the final plat for the land division.

\*\*\*\*\*

(C) Lot Dimensions

- (1) For interior lots the minimum width at building line shall be 35 feet for detached dwelling and manufactured home lots; ~~16 feet for single family attached dwelling lots; and 30 feet for two unit attached dwelling lots. Single family attached dwelling lots of less than 22 feet width shall take access from an alley or from a shared access.~~
- (2) For corner lots that abut an alley the minimum width for interior lots applies. If there is shared access the minimum width at building line shall be 40 feet for detached dwelling and manufactured home lots; ~~25 feet for single family attached dwelling lots; and 35 feet for two unit attached dwelling lots.~~ If there is no alley or shared access the minimum width at building line shall be 42 feet.
- (3) For interior and corner lots the minimum lot depth is 70 feet.

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

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**Section 5. Volume 3, Development Code, Section 4.0133 is amended as follows:**

Proposed Text Amendment

**4.0133 Single-Family Attached Dwelling Standards for Phasing and Site Design Review**

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- (B) All developments that include single family attached dwellings shall receive both land division approval to create lots for the single family attached dwellings as required in Article VI and site design review approval as required in Article VII. Site design review approvals are not required for single family attached structures in the ~~LDR~~ and TLDR districts.

Recording of the plat for the land division shall be a condition of approval of both site design review and the issuance of building permits for single family attached dwellings.

**Section 6. Volume 3, Development Code, Section 4.0135 is amended as follows:**

Proposed Text Amendment

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

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

\*\*\*\*\*

**Section 7. Volume 3, Development Code, Section 6.0303 is amended as follows:**

Proposed Text Amendment

**6.0303 Types of PDs**

PDs may include a mix of the housing types permitted within the primary plan district (whether VLDR-SW, ~~LDR~~ or TLDR) or may include only one type of such housing. Lot sizes are also variable and may consist of large, mixed size, or small lots provided the maximum density of the district is not exceeded. A "Large Lot" PD, for example, is a PD that creates larger than standard lot sizes for purposes of single-family detached housing. No maximum lot size is stipulated.

**Section 8. Volume 3, Development Code, Section 6.0320 is amended as follows:**

Proposed Text Amendment

**6.0320 Site Development Requirements**

- (A) Site development standards of the underlying land use district, including maximum and minimum density standards, shall apply unless superseded by the standards of the PD Section or applicable Overlay District. The regulations of the PD Section shall prevail if there is a conflict.
- (B) The regulations of the PD Section shall apply unless superseded by the standards of the Overlay Districts in Article V. The regulations of the Overlay District(s) shall prevail if there is a conflict.
- (C) Community services developed in conjunction with a residential PD shall be subject to the provisions of Sections 8.0100 and 7.0000. Such reviews would occur concurrently with the PD.
- (D) Attached single-family dwellings (rowhouses or townhouses) and two unit attached dwellings (duplexes) are not allowed in the LDR, Low Density Residential District.



(E) Planned Developments within the LDR District are required to meet the Perimeter Lot Size Compatibility Standard of Section 6.0212.

**Section 9. Volume 3, Development Code, Section Table 6.0321 is amended as follows:**

**Table 6.0321**

**Standards Allowed For PD**

**Residential Units Permitted in VLDR-SW, LDR and TLDR**

	<b>Detached Dwelling Unit<sup>6</sup></b>	<b>Single Family Attached Dwelling Units (multiple lots)<sup>7</sup></b>	<b>Two-unit Attached Dwelling Units (one lot)<sup>8</sup></b>
<b>Standards</b>			
Minimum Site Size	None	None	None
Minimum Lot Size	3500 s.f. (use underlying district standards for perimeter lots)	See underlying district	See underlying district
Density Range <sup>1</sup>	See underlying district	See underlying district	See underlying district
Maximum Number of Attached Units Per Structure	N/A	4	N/A
Minimum Lot Dimensions <sup>2</sup>	None	None	None
Minimum Yard Setbacks -- Interior Lots	3 feet	0 feet <sup>3</sup>	0 feet <sup>3</sup>
Minimum Yard Set-backs -- Perimeter Lots	See underlying district	See underlying district	See underlying district
Minimum Building Height	See underlying district	See underlying district	See underlying district
Maximum Building Height	40 feet (35 feet for perimeter lots)	45 feet or underlying district <sup>4</sup>	45 feet or underlying district <sup>4</sup>
Minimum Street Frontage	None	None	None
Minimum Lot Width/Depth Ratio	None	None	None
Maximum Lot Coverage	70%	70%	70%
Building Separation	Per Building Code	Per Building Code	Per Building Code
General Lot Utility Easements <sup>5</sup>	None	None	None

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

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

<sup>3</sup>Structures with zero lot lines and/or common wall construction are subject to appropriate building and fire code standards at the time of building permit application.

<sup>4</sup>Whichever is greater.

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

<sup>6</sup>Cottage units may be allowed in LDR and TLDR as part of a PD.

<sup>7</sup>Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW and LDR.

<sup>8</sup>Two-unit attached dwelling units (duplexes) are not allowed in LDR as part of a PD.



**Section 10. Volume 3, Development Code, Section 7.0001 is amended as follows:**

Proposed Text Amendment

**7.0001 Site Design Review Requirements**

\*\*\*\*\*

- (B) Applicability of Requirements: A development permit for multi-family residential development, manufactured dwelling park, commercial, or industrial development shall comply with the site design review requirements of the Community Development Code if the development permit is for initial construction or for alteration that affects the use or significant elements of the site plan or exterior building design. Information on the proposed development shall include sketches or other explanatory information required by the Community Development Code.

Two-unit attached dwellings permitted in the Low Density Residential District or in the Transit Low Density Residential District, or on individual lots in other residential districts (duplexes), and single-family attached dwellings permitted ~~in the Low Density Residential District or in the Transit Low Density Residential District~~ are not subject to site design review.

If a phased development or subdivision is proposed or developed for an MDR-24 development with single family attached dwellings, or for single family attached dwelling in the RTC, SC, CMF, or CMU districts, each phase shall comply with all applicable site design review requirements.

\*\*\*\*\*

**Section 11. Volume 3, Development Code, Section 4.0132 is amended as follows:**

Proposed Text Amendment

**4.0132 Additional Standards for the Low Density Residential (LDR) and Transit Low Density Residential (TLDR) Districts**

\*\*\*\*\*

- (B) Yard Setbacks for Single-Family Attached Dwellings (for TLDR District only)

Refer to Table 4.0131(E) on Page [4.01]-8 for setbacks of single-family ~~detached~~ attached dwellings.

\*\*\*\*\*

- (E) Land Divisions with Left-Over Parcels

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

Parcels created under this provision may not be developed until:

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



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

\*\*\*\*\*

**Section 12. Volume 3, Development Code, Section 6.0212 is amended as follows:**

Proposed Text Amendment

**6.0212 Perimeter Lot Size Compatibility Standard**

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

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

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

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

- (A) Along each boundary of a proposed subdivision, the average lot size of existing lots, parcels or tracts (abutting or separated by a local street or easement) shall be separately calculated;
- (B) New residential lots, proposed to border existing residential lots, parcels, or tracts shall be at least 90% (.90xAvg. Area of existing lots) of the average existing lot, parcel or tract size along that particular boundary;
- (C) If a proposed lot has two or more of its sides bordering existing lots, parcels or tracts (e.g. a corner lot) then its size shall be, at a minimum, the larger of the average existing lot, parcel or tract size as calculated above;
- (D) In no case shall any proposed perimeter lots be less than the minimum lot area required by the LDR district nor be greater than 10,000 square feet.
- (E) Where the above calculation requires that a perimeter lot be 6,000 square feet or more, the minimum lot width at the building line shall be 60 feet.

(F) The minimum lot area required by the perimeter lot size standard can be reduced or increased by up to 10% if the applicant demonstrates this exception is needed in order to have a logical lotting pattern that meets City development code requirements.

Subsection 6.0212 Notes:

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

\*\*\*\*\*



**Section 13. Volume 3, Development Code, Section 4.0140 is amended as follows:**

Proposed Text Amendment

**4.0140 Large Lot Subdivision Option for Low Density Residential (LDR)**

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

\*\*\*\*\*

First reading: December 19, 2006

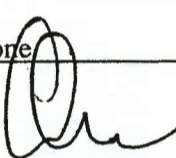
Second reading and passed: January 2, 2007

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

No: None

Absent: None

Abstain: None

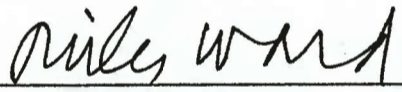


City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney



BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF THE AMENDMENTS TO VOLUME ) Order No. 593  
3 (DEVELOPMENT CODE) OF THE COMMUNITY )  
DEVELOPMENT PLAN REGARDING LOW DENSITY ) CPA 06-152  
RESIDENTIAL (LDR) DISTRICT / PERIMETER LOT )  
COMPATIBILITY STANDARDS )

A public hearing was held on December 19, 2006, to take testimony on the amendments to Volume 3 of the Gresham Community Development Plan regarding Low Density Residential (LDR) District / Perimeter Lot Compatibility Standards.

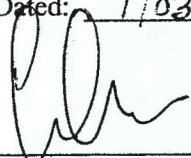
The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.


The Council closed the public hearing at the December 19, 2006, meeting, and a decision was made at the January 2, 2007, meeting.

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

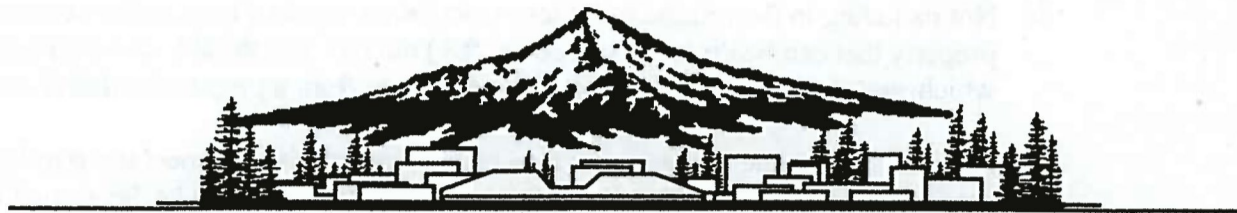
The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached Planning Commission Recommendation Order and staff reports, including the changes recommended by staff at the December 19, 2006 public hearing that relate to Gresham Community Development Code Sections 4.0132(E) and 6.0212.

Dated: 1/03/2007

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

  
\_\_\_\_\_  
Mayor





## **MEMORANDUM**

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

### **ADDENDUM STAFF REPORT TYPE IV HEARING – COMMUNITY DEVELOPMENT CODE TEXT AMENDMENTS LDR / PERIMETER LOT SIZE COMPATIBILITY AMENDMENTS**

To: Mayor Charles J. Becker and City Council

From: John Pettis, Associate Planner

File No. CPA 06-152

Hearing Date: December 19, 2006

Report Date: November 30, 2006

#### **Findings/Background**

On November 13, 2006, the Planning Commission recommended to the City Council adoption of the following development code amendments that relate to the LDR, Low Density Residential District and the Perimeter Lot Size Compatibility Standard:

- 1) Prohibit rowhouses (single family attached dwellings) as a permitted use in the LDR, Low Density Residential District.
- 2) Restrict or limit duplexes (two unit attached dwellings) in the LDR district to only certain lots of subdivisions that were approved by the City before December 19, 1996 per development code Section 4.0131(E).
- 3) Prevent using the "left-over parcel" provision as a means to avoid the application of the Perimeter Lot Size Compatibility Standard by requiring that when a left-over parcel in the LDR district is later partitioned or subdivided, that the new lots or parcels conform to the compatibility standard unless otherwise exempted by the standard.
- 4) Provide greater flexibility in the application of the Perimeter Lot Size Compatibility Standard by:
  - a. Exempting "large lot subdivisions" from the Perimeter Lot Size Compatibility Standard.



- b. Not including in the minimum lot area calculation required to meet the standard, a property that can be divided (10,000 sq. ft.+) but has no habitable dwelling and which abuts or is across a local street or easement from a proposed subdivision site.
  - c. Not including in the minimum lot area calculation required to meet the standard, a property than can be divided (10,000 sq. ft.+) but which cannot be developed with a residential use because it is dedicated for a public use (e.g. open space, park, utility tract) or is not developable due to natural resource constraints and which abuts or is across a local street or easement from a proposed subdivision site.
  - d. Allowing the minimum lot area required by the standard to be reduced or increased by up to 10% if the applicant demonstrates that this exception is needed in order to have a more logical lotting pattern that meets City development code standards.
  - e. Allowing properties (21,000-32,000 sq. ft.) that are large enough to be divided but which cannot meet both the Perimeter Lot Size Compatibility Standard and the LDR Minimum Density Standard (1 unit per 7,000 sq. ft.) to be developed but only at the minimum density required by the LDR district "rounded down".
- 5) Address the applicability of the Perimeter Lot Size Compatibility Standard to all properties by stating that the standard applies not only to proposed subdivision sites abutting or across a local street or easement from existing "lots" but also to those sites abutting or across from "parcels and tracts".
  - 6) Require Planned Developments in the LDR district to meet the Perimeter Lot Size Compatibility Standard.
  - 7) Prevent "large lot subdivision" lots from being later partitioned into smaller lots that would not meet the Perimeter Lot Size Compatibility Standard by not allowing the further division of large lot subdivision lots.
  - 8) Further clarify that rowhouses (single family attached dwellings) are not allowed in the LDR district by adding "(for TLDR only)" at the end of the title of Section 4.0132(B) – Yard Setbacks for Single Family Attached Dwellings. Also correct a typographic error in Section 4.0132(B) by changing "detached" to "attached" in the sentence below the title.

As the staff report for the Planning Commission hearing indicates, proposed amendments 1, 2 and 8 that relate to prohibiting/restricting rowhouses and duplexes in the LDR district are in response to one of the recommendations of the Council appointed Community Land Use Task Force (CLUTF). This was recommended as a way of avoiding further design incompatibility between these attached housing types and detached single family housing, which was intended to be the primary housing type of LDR. Also, as the proportion of Gresham's housing stock that is detached single family dwellings continues to decline from 64% in 1986 to 50% in 2006, there is a need to reserve the last remaining vacant and buildable LDR land exclusively for that housing type. Rowhouses and duplexes will continue to be allowed in 17 other residential districts that allow a higher development density than LDR.

The Council adopted the first package of code amendments that responded to other recommendations of the CLUTF in January 2006. Among those amendments was a requirement for subdivision proposals in the LDR district to meet the new Perimeter Lot Size Compatibility Standard. This standard generally requires a proposed subdivision (creating 4 or more lots) in



the LDR district to have lots along its outer edge or perimeter with areas that are within 90% of the average lot size of the existing lots. Adjacent lots are those properties that abut or are across a local street or easement from a proposed subdivision. Properties that are across a street designated by the City as an arterial or collector street are not considered "adjacent lots" and do not have to be addressed.

Since the standard was adopted, certain issues/problems have arisen during its implementation. The City became aware of them during recent Planning Commission work sessions that involved hearing public/development community concerns and when staff has applied the standard to LDR subdivision proposals. Proposed amendments 3 through 7 address these issues by offering greater flexibility in the application of the standard (amendment 4), preventing circumvention of the standard (amendments 3 and 7) and clarifying the intent of the City regarding its applicability (amendments 5 and 6).

Most of the public testimony heard at the 11/13/06 Planning Commission hearing was regarding the hardship that would have been created by a proposed amendment that would have prohibited "left-over parcels" in the LDR district. A left-over parcel is typically created for an existing residence so the property owner can continue to live in the house for the immediate future and retain a large yard area around it for privacy, etc. The remaining part of the property is then sold to a developer who will divide it for a new housing development. At a later time, when the property owner is ready to move and sell the left-over parcel it too can then be divided for a new development. Up to two left-over parcels can be part of a land division application. The proposed prohibition of left-over parcels was aimed at preventing the misuse of the this code provision to avoid the application of the Perimeter Lot Size Compatibility Standard, which does not apply to partitions, by doing a series of partitions or "serial partitioning". This would be done by designating "left-over parcels" in one application for a property large enough to subdivide in LDR and then applying in subsequent applications to partition all or parts of the parcels into relatively small lots that if proposed as part of a subdivision would not meet the compatibility standard.

Amendment 3 that was approved by the Planning Commission is in lieu of the original amendment 3 that is in the staff report. It would avoid the hardship situations described at the hearing by continuing to allow left-over parcels to be designated as part of a land division in LDR, but in a way that prevents circumvention of the compatibility standard. It would do this by requiring that when a left-over parcel is proposed for a site in LDR large enough to be subdivided (20,000 sq. ft. +) and when it is later divided, that it be divided into lots or parcels with areas that conform to the standard. This requirement would apply to either when a left-over parcel is partitioned (creating 2-3 parcels) or subdivided (creating 4 or more lots). The attached Council Bill reflects this revised amendment as well as some other minor changes made by the Planning Commission to the original staff proposal. These changes are discussed in the "commentary" section of the Council Bill.

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#### **Recommendation**

Staff recommends adoption of the proposed Community Development Code amendments as contained in Council Bill 19-06.



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

**TYPE IV RECOMMENDATION ORDER**

**CPA 06-152**

A public hearing was held on November 13, 2006, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan pertaining to: 1) not allowing single-family attached dwellings (rowhouses) in the LDR, Low Density Residential district; 2) limiting duplexes in the LDR district to certain subdivision lots created before 1997; 3) preventing serial partitioning in the LDR district by not allowing "left over parcels"; 4) providing greater flexibility in the application of the perimeter lot size compatibility standard; 5) stating that the perimeter lot size compatibility standard applies not only to sites adjacent to "lots" but also next to "parcels and tracts"; and 6) applying the perimeter lot size compatibility standard to Planned Developments in the LDR district.

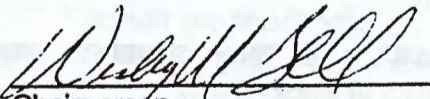
The Commission closed the public hearing at the November 13, 2006 meeting, and a final recommendation to Council was made at the November 13, 2006 meeting.

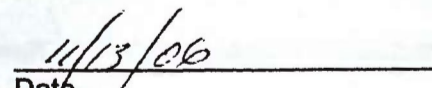
Wesley Bell, Chairperson, presided at the hearing.

**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 November 3, 2006 staff report with the following exceptions, additions and/or changes:

See Page 2 Planning Commission Recommendation Order

  
Chairperson

  
Date

The Gresham Planning Commission recommends adoption of the proposed text amendments contained in City Application No. CPA 06-152 based on the findings, conclusions and recommendations of the staff report with the following changes:

- **Section 4.0140** – Large Lot Subdivision Option for Low Density Residential (LDR): Add a sentence to the end that states “Lots created using the Large Lot Subdivision Option are not eligible for further land division”.
  - **Section 6.0212** - Perimeter Lot Size Compatibility Standards: Add after first sentence: “However, those existing LDR lots, parcel or tracts are a least 10,000 sq. ft. or greater in area and either
    1. have no habitable dwelling; or
    2. cannot be developed with a residential use for reasons such as because it is dedicated for a public use (open space, park, utility tract, ect.) or it is not buildable due to natural resource constraints,then they shall not be considered in the lot area calculations for this section.”
  - **Section 6.0212(D)**: Delete proposed Section (F) and re-letter Section (G) to (F) and amend it to read: The minimum lot area required by the perimeter lot size standard can be reduced or increased by up to 10% if the applicant demonstrates this exception is needed in order to have a logical lotting pattern that meets City Development Code requirements.
  - **6.0212 Notes**: add item C, which reads, “Properties which are large enough to be subdivide but which are limited to partitioning because of this standard must be developed at the minimum density allowed by the LDR district rounded down”.
  - **Section 4.0132(E)** - Land Division with Left Over Parcels: Add sentence after the second sentence that reads, “Left over parcels on properties of 20,000 sq. ft. or greater in LDR must be later divided into lots or parcels, whether through partitioning or subdividing, that conform to the Perimeter Lot Size Compatibility Standards as a subdivision or a partition unless otherwise exempted by Section 6.0212.” This change deletes the proposed changes to 4.0131(A)(1), 6.0001(5) and 6.0202(S).
- 
- **Section 4.0132(B)** - Yard Setbacks for Single Family Attached Dwellings:
    - Add “(for TLDR only)” to the end of the above title, so it states “Yard Setbacks for Single Family Attached Dwelling (for TLDR only)”.
    - Amend the following sentence which is under the above title by changing “detached” to “attached”, so it states “Refer to Table 4.0130(E) on Page [4.01]-8 for setbacks of single family attached dwellings.”





# MEMORANDUM

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

## **STAFF REPORT TYPE IV HEARING**

**GRESHAM COMMUNITY DEVELOPMENT CODE TEXT AMENDMENTS  
PERTAINING TO: 1) NOT ALLOWING SINGLE FAMILY ATTACHED DWELLINGS  
(ROWHOUSES) IN THE LDR, LOW DENSITY RESIDENTIAL DISTRICT; 2)  
LIMITING DUPLEXES IN THE LDR DISTRICT TO CERTAIN SUBDIVISION LOTS  
CREATED BEFORE DECEMBER 19, 1996; 3) PREVENTING SERIAL  
PARTITIONING IN THE LDR DISTRICT BY NOT ALLOWING “LEFT OVER  
PARCELS”; 4) PROVIDING GREATER FLEXIBILITY IN THE APPLICATION OF  
THE PERIMETER LOT SIZE COMPATIBILITY STANDARD (FOUR AMENDMENTS  
ARE PROPOSED); 5) STATING THAT THE PERIMETER LOT SIZE  
COMPATIBILITY STANDARD APPLIES NOT ONLY TO SITES ADJACENT TO  
“LOTS” BUT ALSO NEXT TO “PARCELS” AND “TRACTS”; AND 6) APPLYING  
THE PERIMETER LOT SIZE COMPATIBILITY STANDARD TO SUBDIVISION  
PLANNED DEVELOPMENTS IN THE LDR DISTRICT**

**TO:** City of Gresham Planning Commission

**FROM:** John Pettis, Associate Planner

**HEARING DATE:** November 13, 2006

**REPORT DATE:** November 3, 2006

**FILE NUMBER:** CPA 06-152

**PROPOSAL:** To amend the Gresham Community Development Code by:

- 1) Prohibiting “single family attached dwellings” (rowhouses/townhouses) as a permitted use in the LDR, Low Density Residential district.
- 2) Restricting or limiting “two-unit attached dwellings” (duplexes) in the LDR district to only the narrow extent allowed by development code section 4.0131(E). This code

section allows a duplex on an existing lot created before December 19, 1996 and where such a lot is:

- At least 8,000 sq. ft. in size and located within 275 ft. of an arterial street; or
  - Designated on a recorded plat as a two-unit attached dwelling lot.
- 3) Preventing serial partitioning in the LDR district by not allowing a “left over parcel” when dividing land in the district.
- 4) Providing greater flexibility in the application of the Perimeter Lot Size Compatibility Standard in the LDR district by:
- Exempting “large lot subdivisions” from the Perimeter Lot Size Compatibility Standard.
  - Not applying the standard along that side of a proposed subdivision site that abuts or is across a local street (or easement) from a property that can be divided (10,000 sq. ft.+) and which does not have a habitable dwelling.
  - Not applying the standard along that side of a proposed subdivision site that abuts or is across a local street (or easement) from a property that cannot be developed with a residential use because it is dedicated for a public use (e.g., open space, park, utility tract) or not developable due to natural resource constraints.
  - Allowing the minimum lot area required by the standard to be reduced by up to 10% if the applicant demonstrates that this exception is needed in order to have a more logical lotting pattern that avoids creating a lot greater than 10,000 sq. ft.
- 5) Addressing the applicability of the Perimeter Lot Size Compatibility Standard to all properties by stating that the standard applies not only to subdivision sites abutting or across a local street (or easement) from existing “lots” but also sites abutting or across from “parcels and tracts”.
- 6) Requiring Subdivision Planned Developments in the LDR district to meet the Perimeter Lot Size Compatibility Standard.

**EXHIBITS:**

- A. Council Bill 19-06 -- Proposed Development Code Text Amendments
- B. DLCD Letter – Comments Regarding CPA 06-152

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Gresham Community Development Code amendments that are contained in Council Bill 19-06.



## **SECTION I BACKGROUND INFORMATION**

The above six amendments to the Gresham Community Development Code are being proposed in response to concerns of the City Council appointed Community Land Use Task Force (CLUTF) and the Gresham Planning Commission. They would apply to the existing City, but would not apply to the Pleasant Valley and Springwater Plan districts. The CLUTF was charged with assessing community concerns about the City's land use program and recommending measures to deal with those concerns. This included assisting the Planning Commission and the City Council in their review of land use/design related issues that came to light during the 2003-2004 periodic review and update of the Comprehensive Plan. The CLUTF, through its meetings, discussions with citizens, and panel discussions with experts in the development, housing and urban planning fields developed a list of approximately 20 recommendations. These deal with topics such as:

- Actions to ensure more cohesive, stable and livable residential neighborhoods;
- Higher quality residential development, including site, building design and construction quality;
- Greater housing choice, including allowing a variety of lot sizes for those seeking single family residential housing;
- Compatibility of new development with existing neighborhoods;
- Open space preservation and protection of the natural environment;
- Mandatory building design standards for Downtown.

The City adopted the first package of the CLUTF recommendations in February 2006, which included the Perimeter Lot Size Compatibility Standard. This standard generally requires a proposed subdivision in the LDR district to have lots along its outer edge or perimeter with areas that are within 90% of the average lot size of the adjacent existing lots. Adjacent lots are those properties that abut or are across a local street or easement from a proposed subdivision. Properties that are across a street that is designated by the City as an arterial or collector street are not considered "adjacent lots" and do not have to be addressed. The LDR district allows a minimum lot size of 5,000 sq. ft. Its minimum required density is 6.2 units/acre (1 unit per 7,000 sq. ft.) and its maximum allowed density is 8.7 units/acre (1 unit per 5,000 sq. ft.). The perimeter lot size standard was adopted as part of the development code (Section 6.0212) in order to have a less abrupt change in density (or lot sizes) between new LDR subdivisions and the often larger properties found in the City's older residential areas. These were for the most part developed under past zoning standards that required lot areas to be 7,000 sq. ft. or larger.

### Amendments 3, 4, 5 & 6

Above proposed development code amendments 3, 4, 5 and 6 are intended to address issues regarding the implementation of the Perimeter Lot Size Compatibility Standard that have arisen since its adoption. The City became aware of them during recent Planning Commission work sessions that involved hearing public/development community concerns and during staff review of LDR subdivision proposals that were subject to the standard.



- Development code amendment 3 would prevent serial partitioning in the LDR district by not allowing applicants to show a “left over parcel” on their plat when dividing land in the district. By doing a series of partitions (creating 2-3 lots at a time) or “sequential partitions” rather than proposing one subdivision (creating 4 or more lots) when dividing a property, a developer can avoid the application of the perimeter lot size standard since it does not apply to partitions. Amendment 3 would prevent this practice by amending the land division part of the development code by stating that “left over parcels” are not allowed in the LDR district.
- Development code amendment 4 responds to concerns expressed by the development community by offering more flexibility in the application of the perimeter lot size standard in a number of ways:
 

First, it would exempt large lot subdivisions from the standard. Large lot subdivisions are required to have lot sizes between 8,000 and 14,000 sq. ft. There is no need to apply the standard to these types of subdivisions since all of the lots, not just the perimeter lots, would be relatively large compared to most LDR subdivisions. Also, not applying the standard may serve as an incentive to developers to create more large lot subdivisions.

Second, amendment 4 would reduce the scope of the perimeter lot size standard so that it focuses on the most important LDR areas. It would not apply the standard to those sides of a proposed subdivision that abuts or is across a local street (or easement) from properties that can be divided (10,000 sq. ft. +) and which do not have a habitable dwelling. This change recognizes that the standard was intended to protect properties that have existing residences rather than large vacant properties that will be totally developed. In addition the amendment would not apply the standard to those sides of a subdivision that are next to properties dedicated for non-residential purposes such as open space, parks and utility tracts or that are not developable due to environmental constraints (steep slopes, wetlands, etc.).

Third, amendment 4 would offer an exception process so that an applicant could reduce the minimum required size of the perimeter lots by up to 10%. An applicant would have to demonstrate that the exception is needed to have a more logical lotting pattern that avoids creating lots greater than 10,000 sq. ft. The perimeter lot size standard does not allow perimeter lots to be greater than 10,000 sq. ft. (for Metro Functional Plan Title 1 compliance purposes). There has been at least one instance where because of the irregular shape of a property, it was not possible to keep all of the perimeter lots to no larger than 10,000 sq. ft. This provision would allow an applicant to slightly adjust the areas of the perimeter lots to ensure that none exceed this maximum area cap.
- Proposed amendment 5 is intended to clarify that the Perimeter Lot Size Compatibility Standard applies to those subdivision sites next to all LDR zoned properties (with the above exceptions) whether the nearby property is a “lot” (part of a City approved subdivision) or “parcel” (part of a City approved partition) or “tract” (any unit of land). These terms are so defined in the definitions section (Section 3.0010) of the development code.



- Proposed amendment 6 would require Planned Developments (PD) in LDR to meet the Perimeter Lot Size Compatibility Standard. This amendment reaffirms and carries out the Planning Commission and CLUTF intention that the standard should apply to all proposed subdivisions in LDR, including those that are processed as planned developments. Since planned developments in LDR can have lot sizes as small as 5,000 sq. ft., it is important to be able to apply the standard to PDs so the perimeter lots along their boundaries are sized to be compatible with nearby residential properties.

#### Amendments 1 & 2

Among the remaining CLUTF recommendations, was a recommendation to prohibit or greatly limit rowhouses and duplexes in the LDR district. Proposed development code amendments 1 and 2 address this issue. Amendment 1 would prohibit rowhouses (attached single family dwellings) within LDR. The LDR, Low Density Residential District is the City's lowest density residential or "single family" district. It primarily allows detached single family dwellings at a maximum density of 8.7 units/acre or 1 unit per 5,000 sq. ft. of land area. Currently, Gresham allows rowhouses as well as duplexes outright anywhere within LDR without restricting their location or applying design standards. Most other cities allow rowhouses within their low density residential districts only as a conditional use (requiring public hearing) through the planned development process, which requires findings of neighborhood compatibility, and limit duplexes to certain areas. Gresham's code allows a rowhouse building in LDR to have up to 4 attached units, with each unit occupying a lot as small as 2,000 sq. ft. and as narrow as 16 ft. wide. Although according to building permit records only about 10% of the approximately 520 rowhouses constructed since 2000 are located in LDR, they have the potential to create design related compatibility problems with the predominate detached single family housing type. These compatibility problems have been noted when rowhouses abut or are across a local neighborhood street from detached single family residences, especially in older neighborhoods that have larger (7,000 sq. ft.+) and deeper lots with single story "ranch style" homes. The issues relate to bulk/scale, height and streetscape appearance.

- Especially in the case of 4 unit buildings, the overall bulk of the building can appear to overpower or dominate the nearby smaller detached residences particularly those along the sides and to the rear.
- Rowhouses (attached single family) are exempt from the height transition standards of Section 9.0600 of the development code. As a result the relatively large buildings can be located only 15 ft. away (the minimum LDR rear yard setback) from an abutting detached single family rear yard. This can create privacy issues for the neighboring lots.
- Rowhouses can have three floors with the first floor bermed along the sides (or graded into a slope), while still meeting the 35 ft. maximum height requirement of the zoning district. However, as allowed by the building code, the height is measured from the top surface of the berm rather than its base. This can give the buildings the appearance of being 40 to 45 ft. high from the street grade or abutting property.
- Most rowhouses are front accessed with the garage facing the street. The garage door often dominates the front façade over other façade features such as the front entry/porch



area and windows. This detracts from the streetscape appearance and makes the units less “pedestrian friendly”.

- Rowhouses can occupy most of their lot with little greenspace especially in the front yard area. Because of the garage door dominance, the associated driveway occupies most of the front yard setback area and leaves little room for landscaping.

The proposed amendments are intended to prevent the above design compatibility conflicts by generally not allowing attached housing in single family neighborhoods.

The second reason Gresham is proposing to prohibit/limit rowhouses and duplexes in the LDR district is to preserve its remaining buildable vacant LDR zoned land for detached single family housing. LDR is the only district out of 21 residential/mixed use districts that primarily allows detached single family dwellings. The other districts primarily allow attached dwellings. A recent GIS search of partially vacant and vacant land identified that there was a total of 376 net acres of vacant unconstrained LDR land remaining in the City. Since there is a total of 7,801 acres of LDR zoned land (developed and vacant), the 376 of vacant unconstrained acres represents only 5% of the total LDR acreage.

The proportion of the City’s housing stock that is detached single family has steadily decreased during the last 20 years. In 1986, the detached single family share was 64% of all units that existed at that time (pg. 1, “*Gresham’s Residential Lands Inventory*”). Starting in the 1990’s, Gresham’s production of attached housing has outpaced detached units. As indicated in Exhibit B of the Brickworks staff report addendum (CPA-05-6208), during the last 12 years 55% of the units constructed during that period have been attached vs. 45% detached. Currently (2006) the detached single family share is now 50% of all existing units, based on a recently completed GIS study for Exhibit B. This 50% share for detached units is expected to decline further as the last remaining vacant and unconstrained (buildable) LDR zoned land is developed. Looking forward, the City therefore expects the trend of greater attached than detached housing for new construction to continue. As Exhibit B also points out, if Gresham is to meet its Title 1 Housing target for 2017, the majority of new units constructed between now and then (about 70% of remaining 8,000 units to be built) must now come from its mixed use districts, corridor districts and the remaining vacant multi-family zoned land. These 20 districts generally only allow attached housing. Seventeen of these districts allow rowhouses (attached single family) and duplexes. They are the following:

<b>Plan Map (Zoning) Designation Residential Districts</b>	<b>Required Minimum; Allowed Maximum Net Density</b>
Transit Low Density Residential (TLDR)	Min. 10 DU/A; Max. 20 DU/A
Medium Density Residential –12 (MDR-12)	Min. 9 DU/A; Max. 12 DU/A
Medium Density Residential – 24 (MDR-24)	Min. 12 DU/A; Max. 24 DU/A
Office Residential (OFR)	Min. 9 DU/A; Max. 12 DU/A



<b>Corridor Districts</b>	
Rockwood Town Center <sup>1</sup> (RTC)	Min: 18 DU/A; Max: Unlimited in Stark/Burnside/181st Avenue triangle; 40 DU/A elsewhere
Station Center (SC)	Min: 18 DU/A; Max: 60 DU/A
Station Center (Ruby Junction Overlay)	Min: 18 DU/A; Max: 60 DU/A
Corridor Multi-Family (CMF)	Min: 12 DU/A; Max: 24DU/A
Corridor Mixed Use (CMU)	Min: 12 DU/A; Max: 24DU/A
<b>Downtown Districts</b>	
Central Urban Core (CUC)	Min: 17 DU/A; Max None
Downtown Transit (DT)	Min: 24 DU/A; Max: None
Downtown Residential -30 (DR-30)	Min: 17 DU/A; Max: 30 DU/A
Downtown Residential -12 (DR-12)	Min: None; Max : 12 DU/A
<b>Civic Neighborhood Districts</b>	
Transit Development District -- Medium Density -- Civic (TDM-C)	Min: 24 DU/A; Max: None
Transit Development District -- High Density -- Civic (TDH-C)	Min: 30 DU/A; Max: None
High Density Residential -- Civic (HDR-C)	Min: 24 DU/A; Max: None
Moderate Density Residential -- Civic (MDR-C)	Min: 17 DU/A; Max: 30 DU/A

Since the proposed development code amendments will only affect LDR, rowhouses and duplexes will continue to be allowed in the higher density residential districts noted above.

Proposed amendment 2 would limit rather than prohibit new duplexes in the LDR district. Currently, duplexes like rowhouses are allowed as part of new land divisions in LDR, subject to the minimum lot size for a duplex and the LDR maximum density standard. In addition, development code Section 4.0131(E) allows a duplex on certain lots created as part of City approved subdivisions that were approved/recorded before December 19, 1996. These lots must be either designated on a recorded plat as a duplex lot or be at least 8,000 sq. ft. in size and located within 275 ft. of an arterial street. According to development planning staff, there are very few of these vacant lots still remaining that would qualify for a duplex under this provision. However, identifying them for Measure 56 notification purposes would have involved many staff hours in researching the permit application archives and determining which of the hundreds of pre-1997 City approved subdivisions have lots meeting the above criteria and are still vacant. In order to more efficiently utilize limited staff resources and expedite the adoption of these amendments, the minor exception allowed by Section 4.0131(E) for locating a duplex in LDR is retained.

ORS 197.352 (Measure 37) could impact the implementation of these development code changes. Until the courts decide how Measure 37 will be applied, it is impossible to state with any certainty whether the proposed changes would create valid Measure 37 claims. The City Attorney's Office recommends that the potential impact of Measure 37 not be considered when deciding whether the proposed development code changes should be adopted. The impact of

<sup>1</sup> Within Rockwood triangle (Stark/Burnside, 181<sup>st</sup> Ave.) only, residential use (attached units) is only allowed as part of a mixed use development.



Measure 37, if any, would be determined pursuant to the process established by GRC Article 2.98.

**SECTION II  
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

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

**SECTION III  
APPLICABLE COMMUNITY DEVELOPMENT PLAN PROCEDURES**

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

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

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

**Applicable Community Development Code Procedures**

*Section 11.0400 – Legislative Actions:* These amendments to the Community Development Plan require a Type IV legislative action pursuant to Section 11.0401. Required notice of the Planning Commission hearing has been published in the *Gresham Outlook* in accordance with the requirements of this section. In addition, in accordance with state statute, a Measure 56 notice was mailed to approximately 4,200 affected property owners within the LDR, Low Density Residential District.

*Section 11.0200 – Development Procedures:* As required by Section 11.0205 for Type IV legislative actions, the Planning Commission and City Council will consider these amendments at their respective public hearings.

**Applicable Approval Criteria**

The applicable criteria for a Type IV legislative action are the applicable goals and policies that are found in Volume 2 of the Gresham Community Development Plan.



**10.014 – Land Use Planning, Goal and Policy 1:**

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

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

**Findings:** Among the reasons for these proposed development code changes are to: 1) update the City's land use regulations to ensure they are consistent with current conditions and circumstance and reflect the desires of the community as expressed through elected representatives and their appointed citizen advisory commissions/task forces and 2) ensure the land use program represents the best interests of the City while being consistent with state and regional requirements.

In 2004, the City Council appointed the Community Land Use Task Force (CLUTF) to ensure the comprehensive plan is updated to address the current development related concerns of Gresham's citizens. The CLUTF reviewed community design and land use issues that first came to light during the 2003-2004 update of the Comprehensive Plan. In 2004 and 2005, the CLUTF held meetings and discussed with citizens and experts in the field of housing and urban development various issues including how to make new development compatible with existing neighborhoods. Among the recommendations to help ensure compatibility within single family neighborhoods was the Perimeter Lot Size Compatibility Standard and a recommendation to prohibit or greatly restrict rowhouses and duplexes in the LDR, Low Density Residential district.

Proposed amendments 1 and 2 address the above CLUTF recommendation and the community's desire to restrict rowhouses and duplexes in the City's LDR district. LDR is the only plan or zoning district primarily intended for detached single family residences. As discussed in Section 1 of this staff report, these amendments are being proposed to avoid design related compatibility issues and to reserve the small amount of remaining LDR vacant buildable land (5% of LDR district area) for detached single family dwellings.

Proposed amendments 3, 4, 5 and 6 would also update the comprehensive plan/development code and address citizen concerns in regard to the Perimeter Lot Size Compatibility Standard. Since the standard was adopted in February 2006, the Planning Commission and planning staff have become aware of certain issues that have come to the fore while applying the standard to LDR subdivision proposals. These amendments would offer more flexibility in the application of the standard as well as to clarify the City's intent of when the standard applies.

In regard to the consistency of these proposals with state and regional standards, findings can be found in Section V of this staff report.

**10.014 – Land Use Planning, Policy 4**

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



**Findings:** These proposed amendments will help the City's land use program provide a better pattern of land uses in the community and will maintain the quality of life and stability of its single family neighborhoods. They will advance the livability of its Low Density Residential areas and make them a more predictable place to invest and live, while not affecting Gresham's ability to still offer a wide range of housing types on a citywide basis.

The uncertainty of what kind of housing (rowhouses, duplexes or s.f. detached) could locate next to a detached single family home, for example, can be a disincentive to investing and living in Gresham neighborhoods and contrary to the City's policy of advancing their social and fiscal stability. Prohibiting and limiting rowhouses and duplexes in the LDR district, as proposed by amendments 1 and 2, will remove this uncertainty and create a more stable and predictable residential environment.

Also, as discussed in Section 1 of this staff report, Gresham will still be providing ample and more suitable areas of the City where these attached housing types can be located. These are the 17 higher density residential districts that primarily allow attached housing, including rowhouses (attached single family) and duplexes. These districts are for the most part located near arterial corridors and in or near the City's centers i.e., Downtown, Civic Neighborhood and Rockwood Town Center. These areas have existing or planned services/amenities, such as transit, that can support these higher density housing types. Moreover, they can be better blended into these residential and mixed use neighborhoods of higher density than LDR in a way that avoids design conflicts.

The City also finds that the character and quality of its LDR neighborhoods are negatively impacted by the abrupt change in density that occurs when small lot subdivisions are developed next to larger lot (lower density) residential areas. For this reason, the City adopted the Perimeter Lot Size Compatibility Standard to provide a more gradual transition from smaller to larger lots. Based on input from the development community and staff, proposed amendments 3, 4, 5 and 6 are intended to offer greater flexibility during the implementation of the standard as well as clarify the intentions of the CLUTF and Planning Commission regarding its applicability.

#### **10.014 – Land Use Planning, Policy 23**

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

**Findings:** This proposal to adopt the above development code amendments have been coordinated with the affected agencies of the state Department of Land Conservation (DLCD) and Metro, through the post-acknowledgement comprehensive plan amendment process required by state statute. No formal comments have been received from Metro. DLCD submitted a letter (Exhibit B) requesting that we include findings in the staff report regarding compliance with the Metro Housing Rule (OAR 660-007-0030.1). Section V of the staff report addresses compliance of this proposal with both the Metro Housing Rule and Title 1 of the Metro Functional Plan.



**10.100 – Citizen Involvement, Goal and Policies 1, 2, 10 & 11**

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

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

***Policy 2: The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions.***

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

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

**Findings:** The City has taken measures to make citizens aware of these proposed amendments and has provided opportunities for their input. The concept of restricting rowhouses and duplexes in the LDR district has been discussed at the CLUTF meetings in 2004 and 2005 along with other task force recommendations such as the Perimeter Lot Size Compatibility Standard. In addition all of the amendments were discussed at recent Planning Commission work sessions. Both the CLUTF meetings and Planning Commission meetings were noticed and segments of the meetings were devoted to hearing citizen concerns/comments. Proposed amendment 4, for example, addresses concerns heard from citizens during work sessions regarding the need for more flexibility in the application of the lot size compatibility standard. In addition, these amendments were presented to the Developers Advisory Group (DAG) and a summary description with the actual code changes (Council Bill) were e-mailed to neighborhood association representatives.

Amendments 1 and 2 were subject to the notice requirements of ORS 227.185, enacted by the passage of Ballot Measure 56. Consequently 4,278 notices of the changes and Planning Commission hearing were mailed to affected LDR district property owners 23 days before the Planning Commission hearing. The notice explained the proposal, said the Council Bill was available at Gresham City Hall, and offered the opportunity to call staff to ask questions and discuss any concerns. Also, per state law and development code requirements, a public notice of all 6 amendments with the date and time of the Planning Commission hearing was placed in the local paper, the "Gresham Outlook".

**10.600 – Housing**

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

**Findings:** These amendments, especially amendments 1 and 2, are intended to maintain the quality and stability of Gresham's LDR district residential neighborhoods. LDR primarily



allows detached single family housing but also allows rowhouses and duplexes without controlling their location or design. As described in Section 1 of the staff report, these attached housing types have the potential to create design related compatibility problems with detached housing especially when located on infill sites on local streets within older established LDR neighborhoods with larger lots and one story homes. These issues relate to bulk/scale, height and streetscape appearance and are listed in Section 1. This proposal will prevent future design compatibility problems by not allowing rowhouses and greatly restricting duplexes in LDR.

**Conclusion:** The proposed development code amendments are consistent with the applicable comprehensive plan procedures, goals and policies found in Volume 2 of the Gresham Community Development Plan.

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

The Gresham Community Development Plan is consistent with the Metro Functional Plan and Statewide Planning Goals and Administrative Rules. Findings for all amendments to the Gresham Community Development Plan must demonstrate continued compliance with regional and state requirements.

### **Metro Functional Plan**

**Findings:** This proposal to amend the development code will not affect the implementation of the Metro Functional Plan and Titles 1, 2, 3, 4, 5, 6 and 7. Furthermore, these changes will not affect the City's ability to meet its housing capacity target found in Table 3.07-1 of Title 1.

Gresham's 2000 "*Capacity Analysis Report*" demonstrated to Metro the City's ability to meet its assigned Title 1 housing and jobs targets. It indicated that Gresham could accommodate a minimum of 16,920 housing units, from 1994 to 2017, which was 103 units above its assigned target. In Chapter 3 of the study, "Residential Supply Estimates", the report states that the residential capacity of the vacant land in each residential district was determined by multiplying the total net vacant land in each district by the minimum number of dwelling units per acre required in each district for new development. Table 3-1 of the report shows that for LDR, the minimum density requirement is 6.22 units per acre or 1 unit per 7,000 sq. ft. of land area. This kind of density or lot size is typical of detached single family development. Rowhouse lots on the other hand are typically within the 3,000 to 5,000 sq. ft. range. It is also important to note that there is no statement in the report about the need for a certain percentage of the future housing units in LDR to be rowhouse or duplex units in order for the housing target to be achieved.

None of the proposed amendments, including proposed amendments 1 and 2, change or affect this minimum density required in LDR. Since LDR was and still is primarily intended for detached housing units, this density can be achieved with detached housing on 7,000 sq. ft. lots. In fact most new LDR subdivisions that have been approved within Gresham in recent years have had detached single family lots within the 5,000 to 6,000 sq. ft. range, thus exceeding the minimum density requirement and the LDR density assumed in the report for capacity purposes.



## Statewide Planning Goals

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

Statewide Planning Goal 10, through Oregon Administrative Rule 660-007 ("Metro Housing Rule"), requires jurisdictions within the Portland region's Metro UGB to provide in their comprehensive plans/implementing ordinances the ability to meet minimum housing mix and density requirements. Development standards must provide the opportunity for at least 50% of new housing units to be attached or multifamily units. In addition, Gresham and 5 other cities in the region with 50,000 or more people must ensure that their residential zoned land, overall, is developed at a minimum net density of 10 units per acre.

Gresham conducted an inventory of its buildable residential zoned lands in 2003, titled "*Appendix 6, Gresham's Residential Land Inventory*", as part of its periodic review update of the comprehensive plan. The periodic review material was accepted and acknowledged by LCDC in 2004. Attachment 1 of the above inventory indicates that Gresham meets and exceeds the minimum housing density and housing mix requirements of Goal 10.

Attachment 1 states that Gresham's residential districts provide the opportunity for 62.5% of the City's new housing to be attached units and 37.5% to be detached. This calculation of the potential for attached units did not assume any attached housing in LDR, since this district is mainly intended for detached housing. The attached housing was calculated to come from Gresham's other 20 residential districts, which allow a higher density than LDR and that primarily allow attached dwelling units. Therefore, amendments 1 and 2 that restrict future rowhouse and duplex development in LDR would not prevent this housing mix from being achieved.

Attachment 1 of the inventory also states that Gresham's residential lands can attain a net density of 14.5 units per acre. As in the case of the Metro Title 1 housing target, none of the amendments will affect overall density in the LDR district. The LDR density range of 1 unit/5,000 sq. ft. to 1 unit/7,000 sq. ft. can be achieved with detached single family housing.

**Conclusion:** This proposal complies with applicable regional and state requirements, specifically Title 1 of the Metro Functional Plan and Statewide Planning Goal 10.

## SECTION VI OVERALL CONCLUSION

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The proposed amendments to the Gresham Community Development Code, attached as Exhibit A, meet the applicable approval criteria for a Type IV legislative action as described in this staff report.

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**SECTION VII  
RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed amendments to the Gresham Community Development Code, as contained in Council Bill No. 19-06, attached Exhibit A.

*End of Staff Report*