



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/19/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 001-09

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: Monday, June 01, 2009

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

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

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

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

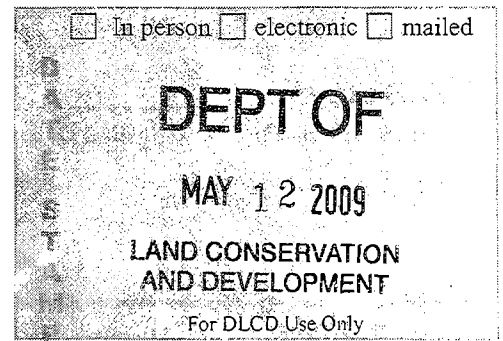
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FOR 2

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



Jurisdiction: **City of Gresham**

Local file number: **CPA 08-292**

Date of Adoption: **5/5/2009**

Date Mailed: **5/11/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/8/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Adopts a temporary demonstration project code to allow innovative housing types and configurations in Gresham and provides an alternative to standards in the applicable land use district.

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

Clarifications, such as defining what is meant by 'long lasting materials'. Also, removed the allowance for visitors' parking to be located on adjacent rights-of-way.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. See First Page

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

Metro

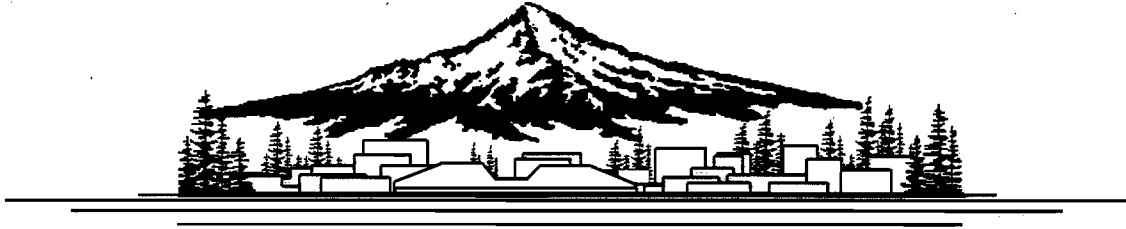
Local Contact: **Stacy Humphrey** Phone: **(503) 618-2202** Extension:
Address: **1333 NW Eastman Parkway** Fax Number: - -
City: **Gresham** Zip: **97030-** E-mail Address:
stacy.humphrey@ci.gresham.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



CITY OF GRESHAM
Urban Design & Planning Office
1333 NW Eastman Parkway
Gresham, Oregon 97030

NOTICE OF FINAL DECISION

May 11, 2009

On May 5, 2009, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 613 and Ordinance No. 1672)** regarding amendments to the Gresham Community Development Code related to the **Residential Districts Review Project and Innovative Housing.**

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 08-292**, and may be reviewed at the City's Urban Design & Planning office Monday through Friday, 8:00 AM to 5:00 PM.

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

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

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO) Order No. 613
VOLUME 3, DEVELOPMENT CODE, OF THE)
GRESHAM COMMUNITY DEVELOPMENT PLAN,) CPA 08-292
REGARDING THE RESIDENTIAL DISTRICT)
REVIEW PROJECT)

On April 7, 2009, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan relating to the Residential District Review Project.

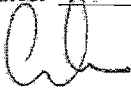
The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the April 7, 2009 meeting, and a decision was made at the May 5, 2009 meeting.

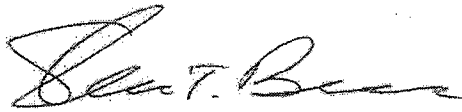
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: May 5, 2009



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 08-292


A public hearing was held on March 9, 2009, upon an application to consider proposed amendments to Volumes 3, Development Code, of the Gresham Community Development Plan relating to the **Residential Districts Review** project creating an **Innovative Housing Demonstration Project** code.

The Commission closed the public hearing at the March 9, 2009 meeting, and a final recommendation to Council was made at the March 9, 2009 meeting.

Richard Anderson, Chairperson, presided at the hearing.

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

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached February 26, 2009 staff report, the March 9, 2009 Addendum staff report and the staff recommended changes during the hearing prior to the motion as documented on the attached page.


Chairperson

March 9, 2009
Date

The Planning Commission recommends adoption of the following additional changes as recommended by staff at the conclusion of the hearing:

- Section 7.0302.B: Replace in the sentence “Projects submitted prior to the expiration date” replace the ‘or’ with an ‘and’ so it reads “Projects submitted prior to the expiration date and prior to the approval of seven projects shall be permitted to complete the application process.”
- Section 7.0310.C: Suggests that under “Site designs shall” that staff craft _____ some language that includes “walkability” as one of those site design measurements.
- Section 7.0310.C.3: Staff to provide more definition of what high-quality, long-lasting building materials are.
- Section 7.0310.E.2: Strike the last two words, “where feasible.”
- Section 7.0310.E.3: Replace the second reference to “views” with the word “elements” so it reads, “Buffers and screening should be incorporated to increase compatibility with adjacent uses and screen views of unattractive elements such as those of parking lots and garbage and recycling receptacles”.
- Section 7.0326.A.1: Change to reads “1 space per unit for units 1,000 square feet or less.”
- Section 7.0326.A.3: Regarding the request for visitor parking to be on-site, strike the last sentence that says “These spaces may be located as on-street spaces on abutting streets.”

End of Type IV Planning Commission Recommendation Order



MEMORANDUM
URBAN DESIGN & PLANNING

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

To: Gresham Planning Commission

From: Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, AICP, Comprehensive Planning Manager
Stacy Humphrey, Special Projects Planner

Hearing Date: March 9, 2009

Report Date: February 26, 2009

File: CPA 08-292

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Residential Districts Review project creating an Innovative Housing Demonstration Project code.

Exhibit: 'A' -- Draft Text Amendments to the Gresham Community Development Code

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

SECTION I
EXECUTIVE SUMMARY

Background

The Residential Districts Review project is on the 2009 Council Work Plan and was carried forward from the 2008 Council Work Plan. Its purpose is to evaluate whether the City's residential district map and Development Code regulations are encouraging high-quality neighborhoods. It aims to ensure that:

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

The Innovative Housing Demonstration Projects code seeks to allow a limited number of demonstration projects that incorporate innovative housing types and site configurations. The Development Code currently does not allow some desirable housing types – such as cottages and housing organized around a common open space. Community outreach in 2008 highlighted citizens' interest in allowing such housing types and site configurations in the city.

Staff crafted four alternatives for allowing innovative housing types and configurations:

1. Update the Development Code to allow new housing types in appropriate land use districts.
2. Create a new land use district to allow new housing types.
3. Update the Planned Development section of the Code to allow innovative housing types and site configurations.
4. Create a Demonstration Project Code to allow a finite number of innovative housing and site design projects.

At the December 8, 2008 Planning Commission meeting, these alternatives were discussed and the Commission agreed that alternative 4 was the appropriate alternative to follow. Staff provided samples of other Demonstration Project codes from around the Pacific Northwest for Commission review and comment. Discussion focused on how to balance innovation and standards: if standards are detailed, room for innovation decreases; if innovative approaches are maximized, standards are minimized. The Planning Commission thought that having a balance between innovation and standards was the appropriate approach in crafting the code language.

As a result of the Planning Commission conversation and other public input, the draft code amendments include development principles and guidelines that address to the innovate qualities sought through this section, and some development standards to ensure a common base level of development. The demonstration projects are limited to seven over a five year period, to be reviewed by the Planning Commission under the Type III review process.

The public outreach effort for the project included a public workshop, Planning Commission and Design Commission presentations, neighborhood association meetings, Development Group meetings, and a Neighborhood Coalition presentation.

Proposed Comprehensive Plan Amendment Overview

The Comprehensive Plan Amendment will create a new section that outlines how innovative housing demonstration projects may be allowed in Gresham. The purpose of this section is to allow a limited number of demonstration projects that provide high-quality site design and housing choices that are not currently allowed in the city. Demonstration projects will also promote a sense of community while being compatible with adjacent developments.

The proposed section will allow up to seven demonstration projects over a five year period. Section 7.0302 Applicability indicates that projects must be 1,500 feet apart and may locate in the following land use districts: LDR-5, TLDR, TR, MDR-12, MDR-24, CMF, CMU, and THR-SW.

Sections 7.0303 and 7.0304 discuss the review and submittal requirements for a demonstration project. The proposals will be reviewed through the Type III process. Staff will prepare a staff report, and the Design Commission will issue a recommendation on the design elements of the proposal. The Planning Commission is the hearing body. Proposals will be evaluated against the Development Principles and Guidelines in section 7.0310. The application for a demonstration project is in lieu of an application for design review and land division. Other land use reviews, such as a variance, would be submitted at the same time as the application for the demonstration project review.

Section 7.0305 presents definitions used in the Innovative Housing Demonstration Project code. Housing types permitted through this section – such as cottages and narrow-lot houses – are defined here. Terms associated with the site design – such as cluster, common open space, and private open space – are defined.

Section 7.0310 provides the Development Principles and Guidelines against which proposals will be evaluated. There are six principles:

- A. Housing choices shall be increased in Gresham.
- B. Projects shall add to a sense of community and promote interaction among people.
- C. Innovative housing demonstration projects shall be of high quality.

- D. Sustainable practices should be included.
- E. Projects should be compatible with adjacent uses.
- F. Projects should be unique from other innovative housing demonstration projects.

These principles describe what the City is seeking in projects submitted through this section. Each principle is accompanied by guidelines. For example, the principle that demonstration projects be of high quality discusses what qualities in site and building design would meet the principle.

Section 7.0320 – 7.0327 outline measurable standards that would apply to demonstration projects. Section 7.0320 states the site size and minimum / maximum number of units in a demonstration project. It also provides a threshold for when clustering is required in the site design.

Section 7.0321 lists the permitted uses in a demonstration project, such as detached homes, attached homes, cottages, duplexes, tri-plexes, and four-plexes. This section also states that duplexes, tri-plexes, and four-plexes are required to be designed to appear as a single family home in terms of scale, height, orientation and articulation.

Section 7.0322 discusses density and how additional units may be located in a demonstration project. In the LDR-5, TLDR, and TR districts, the demonstration project may include two cottages or a duplex building (2 units) in lieu of a single-family detached home; or the project may include 1.5 tri-plex or four-plex units in lieu of a single-family detached home.

Section 7.0323 and 7.0324 discuss unit size and building height and setback requirements. For example, cottages are limited to 1,500 square feet, with a second story not to exceed 50 percent of the square footage of the first story.

Section 7.0325 discusses the open space requirement under the Demonstration Project code. For each unit in a proposal, at least 400 square feet of space is required to be allocated to common open space. This section provides some standards for how the common open space be incorporated into the site design. Also, each unit in the proposal shall have at least 200 square feet of private open space adjacent to the unit.

Section 7.0326 discusses parking requirements. Minimum parking requirements are based on the square footage of the unit. Visitor parking is based upon the total number of units in the demonstration project and is encouraged to locate as on-street parking on adjacent streets. Parking requirements may be lowered depending on the proximity to a light-rail station. Individual parking spaces may not be accessed directly from the street.

Last, section 7.0327 requires that applicants provide a mechanism for the maintenance of demonstration project elements that are held in common ownership.

Staff Report Organization

- Sections II identifies those Community Development Plan procedures that apply to the proposal.
- Section III identifies those Community Development Plan goals and policies that apply to the proposal.
- Section IV identifies the Metro Urban Growth Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section V identifies Statewide Planning Goals that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through 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 UGMFP Titles.
 - Subsection D is findings of fact for the Statewide Planning Goals.
- Sections VII and VIII summarizes staff conclusions and recommendations.

- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.

**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 10.600	Housing

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

Title 2	Regional Parking Policy
Title 8	Compliance Procedures

**SECTION V
APPLICABLE STATEWIDE PLANNING GOALS**

Goal 10	Housing
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**SECTION VI
FINDINGS OF FACT**

The proposed Community Development Plan amendments attached as Exhibit 'A' are consistent with all applicable procedures, goals and policies of the Community Development Plan and applicable titles of the Metro Urban Growth Management Functional Plan and 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.
- 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

Section 1. Land Use Policies and Regulations.

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

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

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

Policy 13: The City may allow single-family residential subdivisions and multi-structural commercial, institutional, industrial and multi-family projects to be submitted as planned developments to promote innovative design, protect natural resources and open space areas, and to provide flexibility necessary for developers to adapt projects to site conditions.

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

Findings

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

The proposed amendments provide for a Demonstration Project code to allow innovative housing types and configurations. The amendments would permit a limited number of demonstration housing projects throughout the City that are compatible with adjacent land uses. This allows Gresham to explore new housing types and how they work prior to making permanent modifications to the land use districts. Housing types or site design elements may include: cottages, narrow-lot houses, common courtyards, and pocket neighborhoods. The amendment includes specific Development Principles and Standards related to compatibility with adjacent land uses. Also, demonstration projects are required to be at least ¼ mile apart, thus ensuring geographic dispersal. The amendments were developed with input from the Planning Commission, Design Commission, Development Group, Neighborhood Coalition, and city staff. The amendments were sent to the State and Metro for review against their regulations. The City has not received any comments from the State or Metro on the proposal.

Issues related to the Residential Districts Review project have been discussed with the City Council on March 18, May 13, July 8, and Oct. 14, 2008. The Council found that it would be in the

overall best public interest to initiate the Code Amendment. The Council initiation took place on August 19, 2008.

Conclusions

The *Land Use Policies and Regulations Goal (10.014)* and related policies is met by the ensuring the proposal addresses compatibility, geographic dispersal, innovative design, and state / regional requirements.

Policy 1 is addressed through the public outreach efforts, and through sharing the materials with the State and Metro.

Policy 9 is addressed in the amendments by encouraging compatibility between demonstration projects and adjacent uses.

Policy 13 is addressed in the amendments by promoting innovative design and flexibility as part of demonstration projects.

Policy 25 is met by the amendments providing new opportunities for innovative housing choices throughout the City.

The proposal is consistent with the applicable 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 10: The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

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.

Innovative Housing is one component of the Residential District Review project, which is on the City Council work plan for 2008 and 2009. This project emerged from issues identified during the Community Land Use Task Force in 2004-05, and during public outreach in 2008. City staff has led a public outreach campaign for the Residential Districts Review. Outreach specific to the Innovative Housing Demonstration Projects Code includes:

- A community workshop on January 14, 2009.
- Meeting with the Kelly Creek Neighborhood Association on January 28, 2009.
- Meeting with the Neighborhood Coalition on February 10, 2009.
- The askGresham e-mail tool has been used to alert interested parties when new materials are available on the website and when upcoming meetings will occur.
- Project information has been available on the City's Web site and the Urban Design & Planning office.

Planning Commission innovative housing work sessions have been held on December 8, 2008 and February 9, 2009. The Design Commission discussed the proposal on February 5, 2009.

Conclusion

The *Citizen Involvement Goal (10.100)* and *Policies 1 and 10* are met through the on-going effort to gain input from stakeholders and the public on the Residential Districts Review. This includes workshops, mailings, e-mails, presentations at the Planning Commission and Design Commission and other outreach efforts.

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

3. Housing

Section 10.600 Housing

Goal: Ensure adequate quality housing for existing and future Gresham residents.

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

Policy 4: The City shall promote housing development and design innovation and quality through methods such as planned residential development and master planning standards.

Policy 10: The City shall require infill development to incorporate features that make it compatible with existing neighborhoods.

Action Measure 7: Encourage use of site planning and building design methods for residential developments proposed adjacent to major streets to enhance livability, such as appropriate setbacks, buffering and screening, noise mitigation, building orientation, landscaping, etc.

Findings

The amendments allow for innovative housing proposals through the Innovative Housing Demonstration Project code. The Code includes Development Principles, Guidelines and Standards that address compatibility with adjacent land uses and innovative design. The principles and guidelines address: housing choice, sense of community, quality building and site design, sustainable practices, and compatibility. The focus on high quality design will enhance the vicinity in which a demonstration project is built.

Standards address issues such as: permitted uses, density, height, setbacks, parking and open space. For example, residential structures in a demonstration project need to meet a setback requirement from adjacent properties. Projects should consider compatibility measures such as structure scale, height and massing. Buffers and screening should also be incorporated to increase compatibility with adjacent uses.

The Demonstration Project Code enhances livability by encouraging site and building design that considers setbacks, building orientation, and landscaping. For example, residential structures in a demonstration project need to be set back 10 feet from property lines. Demonstration projects are required to have common open space, which may be provided as courtyards, lawns, or gardens.

Projects built under this Code will be evaluated in the future to inform potential code updates that include innovative building or site design approaches.

Conclusions

The *Housing Goal (10.600)* is met through the principles, guidelines and standards in the proposal that discuss quality housing.

Policies 1 and 10 are met through the principles and standards that discuss compatibility with adjacent properties and the quality of site design and construction in the demonstration project.

Policy 4 is met by providing a way to propose a planned residential development through the Demonstration Project Code.

Action Measure 7 is met by providing a way to comprehensively address site planning and construction in a way that enhances livability.

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

C. Metro Urban Growth Management Functional Plan

Title 2 Regional Parking Policy

Findings

Table 3.07-2 of the Metro Urban Growth Management Functional Plan requires a minimum parking standard of one space for each single family detached residential unit. Section 3.07.220.C allows parking ratios that are different than those in Table 3.07-2 provided findings are made that the proposal will be substantially the same as the application of the regional parking ratios. The minimum standard in Table 3.07-2 is one space for each single family detached residential unit; there is no maximum standard. Attached dwellings with two bedrooms have a minimum standard of 1.5 spaces per unit, and attached dwellings with three bedrooms have a minimum standard of 1.75 spaces per unit.

The current minimum parking standard in Gresham is two spaces for a single family dwelling structure. This minimum standard recognizes that residents in single family detached dwellings typically have more than one car because of household composition. The parking standards for attached dwellings matches the requirements in Table 3.07-2 of the Metro Functional Plan.

The Demonstration Project code requires a minimum parking standards of 1.5 space for each residence greater than 1,000 square feet, and one space for units smaller than 1,000 square feet. Units in a demonstration project may be detached or attached, and may have one bedroom or multiple bedrooms. Depending on how units are configured, the parking standard would be anywhere from one space up to 1.75 spaces per unit according to Table 3.07-2. Because demonstration projects will be composed of a variety of housing types, the minimum parking standard in the proposed section represents a blending of standards across these housing types.

Conclusion

The proposal is consistent with Title 2, given the findings provided above.

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that the City submit the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation. 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 January 9, 2009, which was at least 45 days prior to the first evidentiary hearing of March 9, 2009. Metro has submitted no comments or request for an analysis.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing. The proposal is consistent with Title 8.

A. Statewide Planning Goals

Findings

Statewide Planning Goal 10 requires that cities provide for the housing needs of citizens by planning for the "availability of adequate numbers of needed housing units at price ranges and rent levels which are

commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”

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

Conclusion

The City continues to provide for the opportunity for a variety of housing in adequate numbers and locations. The proposed amendments comply with Statewide Planning Goal 10.

SECTION VII CONCLUSION

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

SECTION VIII RECOMMENDATION

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

End of Staff Report



Memorandum

Urban Design & Planning

To: Chair Richard Anderson and Planning Commissioners

From: Jonathan Harker, AICP, Principal Planner, Comprehensive Planning Supervisor
Stacy Humphrey, Planning Services, Special Projects Planner

Date: March 9, 2009

Subject: Public Testimony

Planning staff have received one piece of written testimony for the hearing on CPA 08-292, the Innovative Housing Demonstration Project Code. Comments and responses are detailed below.

Issue: 7.0321 Permitted Uses. Why would the Code allow single-family attached residences, especially without unit restrictions similar to those on duplexes, triplexes, and four-plexes?

Findings: The purpose of the Demonstration Projects Code is to allow for innovative housing types and site configurations. The Demonstration Projects Code will apply to the following land use districts: LDR-5, TLDR, TR, MDR-12, MDR-24, CMF, CMU, and THR-SW. Single-family attached residences are an allowed use in all these districts except for the LDR-5 district. Units in a demonstration project must meet the Development Principle to be compatible with adjacent uses. Allowing single-family attached residences as part of a demonstration project helps ensure that projects in the TLDR, TR, MDR-12, MDR-24, CMF, CMU, and THR-SW districts may be compatible with adjacent uses, which may include single-family attached residences.

All units proposed as part of a demonstration project are subject to review through this Code to ensure that the site design and buildings meet the Development Principles and Guidelines. Developments through the Demonstration Project Code will be evaluated at a later date for information on how to improve the Development Code regulations for design review and site design.

Duplexes, triplexes and four-plexes are limited by section 7.0321(E) to a certain percent of the total units in a demonstration project and to appear as a single-family home. This helps ensure that the units are more compatible with the underlying land use district. A similar restriction on the number of single-family attached residences for the LDR-5 district could ensure compatibility with that district.

Recommendation: Staff recommends rewriting Section 7.0321(B) to read: "Single-family attached homes. In the LDR-5 districts, these units may make up no more than 30 percent of the total number of units in a project"

Issue: 7.0322 Density. Allowing greater density in the TLDR and TR districts is unwise.

Findings: The purpose of the Demonstration Projects Code is to allow for innovative housing types and site configurations. Section 7.0322(B) allows the density in the LDR-5, TLDR, and TR districts to exceed the underlying maximum density if cottages, narrow houses, or plexes are used. This is allowed because these housing types have a smaller footprint than a single-family detached residence. This section does not require that the underlying maximum density be exceeded.

All projects proposed through this section will be evaluated against the Development Principles and Guidelines. These discuss high quality site and building design, compatibility with adjacent uses, and preserving privacy of neighboring residences. Projects proposed through this section must also meet other standards including provisions for common open space, private open space, and parking.

Recommendation: Staff recommends no change to this section.

Issue: 7.0323 Unit Size. Section 7.0323(B) should also apply to TLDR and TR.

Findings: Section 7.0323(B) limits the future square footage of cottages, duplexes, triplexes, and four-plexes in the LDR-5 district to 1,500 square feet. Demonstration projects in the LDR-5 district that include these types of units may increase the project density. The project density in the LDR and TR districts may also be increased if these unit types are used.

Recommendation: Modify 7.0323(B) to include the TLDR and TR districts.

Issue: Preservation of Project Purpose as a Whole. Could something be added to the Code that requires open spaces and community areas to not be divided further?

Findings: Section 7.0327 requires applicants to provide a mechanism for perpetual maintenance of structures and spaces in common ownership. It does not discuss division of open space.

Recommendation: Staff recommends modifying Section 7.0327 so that it is a section addressing Commonly Owned Property. The current proposed language would be identified as subsection A. A new subsection B. should be added that reads: "The approval authority may require a perpetual open space easement over areas retained in common ownership."

Issue: 7.0326 Parking. The location of visitor parking may impose upon the on-street parking areas of neighboring property owners. The parking reduction allowance for projects in proximity to MAX stations should be allowed only if there is pedestrian-friendly access to the station.

Findings: The proposed language requires demonstration projects to provide 0.25 visitor parking spaces per unit and these spaces may be located as on-street spaces on abutting streets. This is intended to allow parking on the immediate frontage to count towards the visitor parking requirements of the demonstration project.

The Demonstration Project Code allows for a 10 percent reduction in parking for projects within 1,500 feet of a light rail station. This is written to match current Code section 9.0853(D) which allows a 10 percent reduction in minimum off-street parking for developments in land use districts near MAX light-rail stations. The current Code does not require that there be a strong pedestrian connection in order to obtain this parking reduction.

Recommendation: Staff recommends Section 7.0326(A)(3) read: "0.25 spaces per unit shall be provided as visitor parking. Parking on the immediate frontage may count towards the visitor parking requirement. ~~These spaces may be located as on-street spaces on abutting streets.~~"

Staff recommends no changes in regards to the parking reduction for proximity to a light rail station.

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

CB 06-09

ORDINANCE NO. 1672

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM
 COMMUNITY DEVELOPMENT PLAN, REGARDING THE RESIDENTIAL
 DISTRICT REVIEW PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

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

Section 3.0010

~~Cottage. A detached single family dwelling with a building footprint of 900 square feet or less. Cottage homes are generally rectangular and one story and may be used as a single family dwelling or in conjunction with other dwelling units as part of a Planned Development.~~

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

Table 6.0321 Standards Allowed For PD Residential Units Permitted in VLDR-SW, LDR-5, LDR-7, TLDR and TR			
	Detached Dwelling Unit ⁶	Single Family Attached Dwelling Units (multiple lots) ^{7&8}	Duplexes ^{7&8}
Standards			
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 ¹	See underlying district	See underlying district	See underlying district
Maximum Number of Attached Units Per Structure	N/A	4	N/A
Minimum Lot Dimensions ²	None	None	None
Minimum Yard Setbacks – Interior Lots	3 feet	0 feet ³	0 feet ³
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 ⁴	45 feet or underlying district ⁴
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 ⁵	None	None	None

- 1 Developments subject to Overlay Districts may also be restricted in density as per those Districts.
- 2 It shall be demonstrated for each lot that there is a building area of adequate space to accommodate the proposed dwelling type.
- 3 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.
- 4 Whichever is greater.
- 5 It shall be demonstrated that general utilities such as electric and telephone lines can be accommodated and, if necessary, utility easements shall be provided.
- 6 ~~Cottage units may be allowed in LDR-5 and TLDR as part of a PD.~~
- 6⁷ Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW.
- 7⁸ (Duplexes) are not allowed in LDR-5 or LDR-7 as part of a PD.

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

ARTICLE VII DESIGN REVIEW
SECTION 7.0300 INNOVATIVE HOUSING
DEMONSTRATION PROJECTS

General

7.0301 Purpose

7.0302 Applicability

7.0303 Review of Projects

7.0304 Submittal Requirements

7.0305 Definitions

Development Principles and Guidelines

7.0310 Development Principles and Guidelines

Standards

7.0320 Size and Configuration

7.0321 Permitted Uses

7.0322 Density

7.0323 Unit Size

7.0324 Dimensional Requirements

7.0325 Open Space

7.0326 Parking

7.0327 Maintenance of Commonly Owned Property

General

7.0301 Purpose

The purpose of this interim Section on Innovative Housing Demonstration Projects is to:

- A. Allow a limited number of innovative housing demonstration projects that provide housing choices that are not currently allowed in Gresham.
- B. Promote high-quality site and building design.
- C. Respond to changing household size and composition.
- D. Support a more efficient use of urban residential land.

E. Promote a sense of community while being compatible with adjacent developments. The City will evaluate innovative projects to identify desirable housing types and/or configurations. The City may then consider permanent Code provisions that allow innovative housing types or configurations or successful elements of the innovative housing demonstration projects.

7.0302 Applicability

A. Land-use districts: Innovative housing demonstration projects are allowed in the following land-use districts: LDR-5, TLDR, TR, MDR-12, MDR-24, CME, CMU, and THR-SW.

B. This ordinance shall expire five (5) years following its effective date, or when seven (7) projects are approved under this ordinance, whichever occurs first, unless extended by the City Council, or unless the City Council specifically authorizes additional projects. Projects submitted prior to the expiration date and prior to approval of seven projects shall be permitted to complete the application process. The effective date of this ordinance is June 4, 2009. If seven (7) projects are not approved prior to five (5) years following the effective date, this ordinance shall expire on June 3, 2014.

C. Demonstration projects shall not be approved within 1,500 feet of another approved demonstration project.

7.0303 Review of Projects

A. Innovative housing demonstration projects will be reviewed by the Planning Commission using a Type III procedure as detailed in Section 11.0500. This process is a discretionary review, using the Development Principles and Guidelines in Section 7.0310 to guide decision-making. Once deemed complete and prior to the Planning Commission hearing on a proposal, the Design Commission will issue a recommendation on the design aspects of the proposal in accordance with Section 11.0402(D)(1)(e) for review and comment on applications. Appeals of the Planning Commission decision will be heard by the City Council.

B. An application for an Innovative Housing Demonstration Project will replace an application for a land division, condominium approval, and design review. Other reviews sought in concert with the Innovative Housing Demonstration Project application – such as a variance, tree removal, or overlay district review – shall be submitted at the same time as the Innovative Housing Demonstration Project application. If changes to an approval are sought after the time of approval, those changes will be subject to the appropriate land use application review.

C. Plats reviewed through this process are subject to all procedures outlined in Article VI.

D. All developments approved through this section shall be subject to the applicable requirements of Appendix 5.000, Public Facilities Standards.

E. Standards listed in this section will apply to innovative housing demonstration projects and will prevail if they conflict with existing regulations in other sections of the Gresham Community Development Code.

F. Applicants may propose additional modifications to the development standards required in the following sections of the Development Code upon demonstration that such modifications satisfy the principles and guidelines in Section 7.0310:

1. Article IV – Land Use Districts and Plan Districts

2. Section 6.0000 – Land Divisions, Introductory Provisions

3. Section 7.0200 – Design Review, Standards and Criteria

4. Section 9.0100 – Common Requirements, Buffering and Screening Requirements

5. Section 9.0600 – Common Requirements, Height Transition

6. Section 9.0700 – Common Requirements, Neighborhood Circulation and Future Street Plans

7. Section 9.0800 – Common Requirements, Parking

7.0304 Submittal Requirements

In addition to submittal requirements otherwise required by the City, the applicant shall describe how the proposed development varies from the standards in the underlying land use district or districts that apply to the site, such as (but not limited to) whether limitations on setbacks or density are being exceeded.

7.0305 Definitions

The following definitions apply only to this Section:

- A. Cluster: A grouping of housing units that provide an opportunity for social interaction among residents.
- B. Cottage: A small-scale detached single-family dwelling unit containing 1,500 square feet or less of gross floor area, and with no more than 1,000 square feet of floor area on the ground floor.
- C. Fenestration: Openings in a facade, such as windows and doors.
- D. Human Scale: The proportional relationship of a particular building, structure, building element or streetscape element to the human form, such as the height and width of a door in relation to the typical height and width of an adult human.
- E. Narrow-lot houses: Homes built on lots where the lots are narrower than the minimum width allowed in the underlying land use district.
- F. Open space, common: Open space available for common use, such as courtyards, lawns, community gardens, and flower gardens. These spaces shall be on property commonly owned by residents of a project.
- G. Open space, private: Open spaces for the private use of the residents of an individual housing unit such as patios and gardens.

Development Principles and Guidelines

7.0310 Development Principles and Guidelines

The following principles and guidelines shall guide evaluation of innovative housing demonstration projects. The principles are provided to describe the elements the City is seeking in demonstration projects while allowing for the opportunity for flexibility and innovation. Each principle is accompanied by one or more guidelines:

- A. Housing choice shall be increased in Gresham.
 - 1. Applications shall include housing types or configurations that are not common in Gresham. Housing types common in Gresham include: single-family homes greater than 1,500 square feet; rowhomes/townhomes; and multi-family housing (apartments and condominiums).
 - 2. Applications may include housing affordable to a broad range of incomes, including lower incomes, to satisfy the goal of increased housing choice.
- B. Projects shall add to a sense of community and promote interaction among people.
 - 1. Applications shall include design features that promote interaction such as shared open spaces, porches, gardens, common buildings, and pedestrian connections through the development.
 - 2. Applications shall consider the role of front door orientation and other building elements in promoting interaction.
- C. Innovative housing demonstration projects shall be of high quality.
 - 1. Site designs shall:
 - a. Provide opportunities for social interaction in shared or common spaces.
 - b. Provide opportunities for privacy and private spaces.
 - c. Provide a variety of unit sizes.
 - d. Include landscaping with living plant materials.
 - e. Include walkways that provide internal connections and that integrate with pedestrian connections in the surrounding neighborhood.
 - 2. Building designs shall:
 - a. Reflect the human scale.

- b. Provide several layers (such as porch railings, garden spaces, hedges, low fences, patios, changes in paving materials) between public and private spaces to mark the transition from one to the other.
- c. Provide articulation and fenestration to promote high-quality, attractive buildings and to allow occupants inside buildings to view common areas and streets.
- d. Minimize views from inside homes into adjacent private spaces, including homes, back yards and neighboring residential developments.
- 3. High-quality, long-lasting building materials shall be incorporated.
 - a. Natural material, rather than faux materials (those that imitate natural materials), are encouraged.
 - b. Some materials considered appropriate for finished exterior building walls include stone, brick, terracotta, tile, traditional stucco, wood, dimensional shingles, and cementitious board.
- D. Sustainable practices should be included.
 - 1. Site designs will preserve environmentally sensitive areas, such as wetlands, hillsides, habitat corridors, wooded areas, and areas with endangered species. Site designs should consider exceeding the protection standards presented in the Development Code.
 - 2. Sustainable practices such as Gresham's Green Development Practices for Stormwater Management, Green Streets Standards, and energy-efficient construction techniques and buildings will be incorporated. Innovative Housing Demonstration Project proposals should consider exceeding the guidelines presented in these manuals.
 - 3. Site design should consider "green building design" practices such as passive solar and air circulation design.
- E. Projects should be compatible with adjacent uses.
 - 1. Structures should be compatible with adjacent properties with residential uses with respect to scale, height, and massing.
 - 2. Projects should preserve privacy of neighboring residences.
 - 3. Buffers and screening should be incorporated to increase compatibility with adjacent uses and screen views of unattractive elements such as those of parking lots and garbage and recycling receptacles.
- F. Projects should be unique from other innovative housing demonstration projects.
 - 1. Applications under this Section should highlight unique project attributes and how the proposal differs from other projects approved through this Section.
 - 2. Unique project attributes could include housing type, style, site design, common space elements, and circulation.

Standards

7.0320 Size and Configuration

A. The minimum site size is 20,000 gross square feet.

The minimum number of units in a demonstration project is 4.

B. The maximum number of units in a demonstration project is 60.

C. If a demonstration project includes more than 12 units, the proposal shall meet the following configuration standards:

1. Housing units are grouped into clusters of no more than 12 units.

2. Each cluster shall provide for public and private open space for the units within that cluster. At least 50 percent of the public open space generated by units in the cluster shall be provided within the cluster. The remaining percent of public open space generated by units in the cluster shall be provided elsewhere in the project.

3. The clusters are distinct, with edges defined by building orientation, landscaping, roads, open space, or similar features.

7.0321 Permitted Uses

The following uses are permitted as part of an innovative housing demonstration project:

- A. Single-family detached homes.
- B. Single-family attached homes. In the LDR-5 district, these units may make up no more than 30 percent of the total number of units in a project.
- C. Narrow-lot houses.
- D. Cottages.
- E. Duplexes, tri-plexes and four-plexes, if the following are satisfied:
 1. The units are designed to appear as a single-family home in that they have similar scale, height, building orientation, and articulation.
 2. The units make up no more than 30 percent of the total number of units in a project in LDR-5, TLDR, and TR and THR-SW.
 3. The units make up no more than 50 percent of the total number of units in a project in MDR-12, MDR-24, CMF, CMU.
- F. Home occupations.
- G. Accessory dwellings.
- H. Accessory structures.
- I. Other residential uses consistent with the Development Principles and Guidelines may be reviewed and approved through this process.

7.0322 Density

- A. Minimum Density. The minimum density for a demonstration project shall be the same as the underlying land use district.
- B. Maximum Density. The maximum density for a demonstration project shall be the same as the underlying land use district.

In the LDR-5, TLDR, and TR districts, the maximum density for an innovative housing demonstration project comprised of detached single family dwellings shall be the same as the underlying land use district. If other housing types are used, the number of units may be increased as follows:

1. Cottage – two cottages may be allowed in place of one detached single family dwelling.
2. Duplex – two housing units (a duplex building) may be allowed in place of one detached single family dwelling.
3. Tri-plex and Four-plex – 1.5 housing units may be allowed in place of one detached single family dwelling.
4. Narrow-lot house - 1.5 housing units may be allowed in place of one detached single family dwelling.

7.0323 Unit Size

- A. The maximum unit size for specific housing types are:
 1. Single-family detached home: No limit.
 2. Cottage: 1,500 square feet, with the second story not to exceed 50 percent of the square footage of the first story.
 3. Duplex, tri-plex and four-plex: 1,500 square feet per unit.

B. In the LDR-5, TR, and TLDR land use districts, where more residential units may be permitted if certain housing types are provided, the total floor area of each unit in that demonstration project may not be increased above the unit sizes listed above. A note shall be placed on the plat of the property that notifies future property owners that any increase in the total square footage of the unit is limited to the standards identified above for the life of the unit.

7.0324 Dimensional Requirements

A. Minimum setbacks:

1. Primary structures from adjacent property lines along the perimeter of the site, including any public street, shall have a setback of 10 feet. Accessory structures shall meet the setbacks for Accessory Structures as outlined in Section 10.0200.
2. The minimum distance between structures in a demonstration project is 10 feet.

B. Maximum height. The maximum height for structures in a demonstration project shall be the same as the underlying land use district, except for cottages which have a maximum height of 30 feet.

7.0325 Open Space

A. Common open space requirements:

1. For each unit in a demonstration project, a minimum of 400 square feet shall be allocated to common open space.
2. The location and configuration of common open space areas should provide for recreational opportunities and take into consideration sensitive areas.
3. Open space shall be bordered on at least two sides by housing units.
4. The common open space shall abut at least 50 percent of the units in the demonstration project, or in each cluster if the project has more than 12 units. Units that abut the common open space shall have an entry onto the common open space.
5. All units shall be within 60 feet walking distance to a common open space.

C. Private open space requirements:

1. Each unit in a demonstration project shall have a minimum of 200 square feet of private open space.
2. Private open space shall be adjacent to each unit.
3. Private open space shall include at least one contiguous, usable piece with a minimum dimension of 10 feet on all sides.

7.0326 Parking

A. Parking ratios for demonstration projects shall meet the minimum standards below:

1. 1 space per unit for units 1,000 square feet or less.
2. 1.5 spaces per unit for units greater than 1,000 square feet.
3. 0.25 spaces per unit shall be provided as visitor parking.
4. If an innovative housing demonstration project is within 1,500 feet of a MAX light-rail station, the applicant may request a modification to lower the parking requirements by 10 percent. The applicant shall present evidence showing that a lower parking requirement is appropriate for the project.

B. Parking location and configuration:

1. Parking spaces for the demonstration project shall be provided on-site, but are not required to be on the same lot as the housing units they serve.
2. Parking spaces shall not be clustered with more than 8 adjoining spaces.
3. Parking shall be screened from public streets and adjacent residential uses by landscaping and/or architectural screening.
4. Access to parking spaces or garages is not allowed directly from streets.

7.0327 Maintenance of Commonly Owned Property

A. Applicants shall provide a mechanism for perpetual maintenance of structures and spaces in common ownership, such as a homeowners association.

B. The approval authority may require a perpetual open space easement over areas retained in common ownership.

First reading: April 7, 2009

Second reading and passed: May 5, 2009

Yes: BEMIS, STRATHERN, WIDMARK, BENNETT, WARR-KING, NIELSEN-HOOD

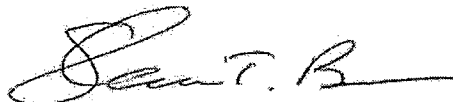
No: NONE

Absent: CRADDICK

Abstain: NONE



City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney

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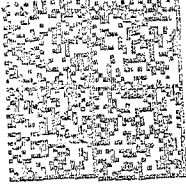
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