



Oregon

Theodore R. Kubongoski, 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

07/05/2011

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 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, July 18, 2011

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM

2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

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**DEPT OF**

**JUN 28 2011**

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**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Gresham**

Local file number: **CPA 10-26000267**

Date of Adoption: **6/21/2011**

Date Mailed: **6/27/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 2/23/11

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".

Amends the Development Code related to residential compatibility including scale & massing requirements, flag lot standards, buffering & screening and height transition standards, fencing, and the review process for small lots in the LDR-5 District.

Does the Adoption differ from proposal? Yes Please select one

Eliminated choice for larger setback to comply with compatibility requirements, applicants must comply; clarification to what is allowed in buffer area; changed minimum caliper of existing trees that count toward buffer trees; added provision providing a way for large flag lots to request reduction in screening requirements when privacy between homes needs to be address; other minor refinements and clarification modifications.

Plan Map Changed from: **NA**

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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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. 002-11 (18727) [16689]



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

Metro

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Local Contact: **Brian Martin, Associate Planner** Phone: (503) 618-2266 Extension:  
Address: 1333 NW Eastman Parkway Fax Number: - -  
City: Gresham Zip: 97030 E-mail Address:  
**brian.martin@GreshamOregon.gov**

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

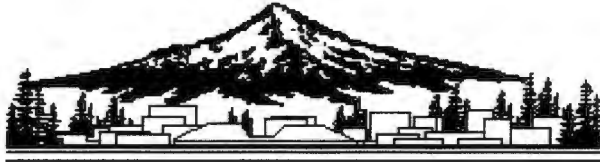
1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010



*Urban Design & Planning Services  
City of Gresham*

## **CERTIFICATION OF MAILING**

FILE NO.: CPA 09-018

PROJECT: City of Gresham-Residential  
Districts Review – Compatibility Project

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

**DLCD**

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

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

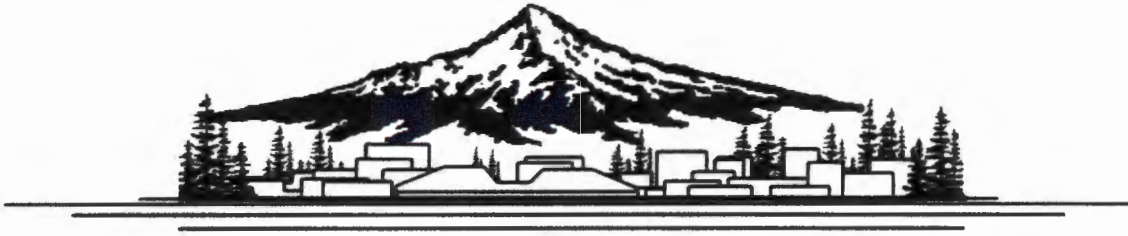
**Carol Rulla  
5162 SE 28<sup>th</sup> Drive  
Gresham, OR 97080**

**Sue Ruonala  
4619 SE 5th  
Gresham, OR 97080**

**Albert Harrison  
Email Address Only**

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: June 27, 2011



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

## **NOTICE OF FINAL DECISION**

**June 27, 2011**

On June 21, 2011, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 630 and Ordinance No. 1704)** amending the Gresham Community Development Code regarding the **Residential Districts Review-Compatibility Project**.

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 09-018**, 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**



Proposed new language is double-underlined;  
Proposed deleted language is ~~stricken~~.

CB 05-11

ORDINANCE NO. 1704

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

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

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

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**3.0010 General Terms and Definitions**

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~~**Density, Net.** The number of dwelling units per unit of land is expressed as the number of square feet of land per dwelling unit. The net density for any lot is computed by dividing the net square footage of the parcel by the number of dwelling units. The net square footage is determined by subtracting from the total square footage of the parcel that area deemed necessary for street dedication and, for development in the LDR-5, LDR-7, TLDR and TR Districts, that area used for private streets and common driveways. The land area dedicated without compensation for the widening or the extension of a public street may be included in calculating the number of attached dwelling units permitted on a lot in all other districts. Accessory and ancillary dwelling units do not count towards density requirements. For the purpose of calculating minimum net density, the Habitat Conservation Area (HCA) and areas with slopes of 25% and greater are also deducted from the total square footage of a parcel.~~

**Density:** The density for any lot is computed by dividing the number of dwelling units by the parcel acreage or, if specified, net acreage.

Accessory dwelling units: Accessory dwelling units do not count toward density requirements in LDR-5, LDR-7, TR, TLDR, LDR-PV, VLDR-SW and LDR-SW. Accessory dwelling units count toward minimum density but not maximum density requirements in all other districts.

Ancillary dwelling units: Ancillary dwelling units count toward minimum density but not maximum density requirements in districts where they are allowed.

**Density, Net.** The net density for any lot is computed by dividing the number of dwelling units by the quotient of the net square footage of the parcel divided by 43,560. The equation for units per acre is:

$$\text{Net Density} = \text{Units} \div (\text{Net square footage} \div 43,560)$$

To calculate net square footage, the following are subtracted for areas in LDR-5, LDR-7, TLDR and TR:

When calculating minimum density: Habitat Conservation Area; slopes 25 percent and greater; square footage dedicated to public streets, private streets, the flag pole portion of a flag lot and the portion of nonstandard lots encumbered by an access easement. Non-standard lots are defined in **Section 4.0138(B)**.

When calculating maximum density: Square footage dedicated to public streets, private streets, the flag pole portion of a flag lot and the portion of nonstandard lots encumbered by an access easement. Non-standard lots are defined in **Section 4.0138(B)**.

To calculate net square footage, the following are subtracted for areas not in LDR-5, LDR-7, TLDR and TR:

When calculating minimum density: Habitat Conservation Area; slopes 25 percent and greater; and square footage dedicated to public streets.

When calculating maximum density: Square footage dedicated to public streets.

The land area dedicated without compensation for the widening or the extension of a public street may, at the applicant's discretion, be included in calculating the minimum and maximum number of attached dwelling units on a single lot permitted on land not in LDR-5, LDR-7, TR or TLDR.

Accessory dwelling units: Accessory dwelling units do not count toward density requirements in LDR-5, LDR-7, TR, TLDR, LDR-PV, VLDR-SW and LDR-SW. Accessory dwelling units count toward minimum density but not maximum density requirements in all other districts.

Ancillary dwelling units: Ancillary dwelling units count toward minimum density but not maximum density requirements in districts where they are allowed.

**Density Rounding.** A method to determine the whole number of units permitted in a development. Rounding for total units allowed is done in the following manner:

Minimum density: To determine the number of units permitted, the results of a calculation for the minimum number of units allowed shall be rounded down to the nearest whole number. For example, if a calculation results in 4.8 units, the minimum number of units required would be 4.

Maximum density: To determine the number of units permitted, the results of a calculation for the maximum number of units allowed shall be rounded down for a decimal that is less than 0.50 and rounded up for a decimal 0.50 or greater. For example, if a calculation resulted in 4.45 units, the maximum number of units allowed would be 4. If a calculation resulted in 4.55 units, the maximum number of units allowed would be 5.

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**Lot.** A generic term that describes any unit of land.

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- ~~**Infill Lots and Parcels.** For the purposes of Section 4.0138, Infill Lots and Parcels are those existing or proposed lots or parcels that are non standard. A non standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.~~

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**Roof.** A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

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- **Roof, Mansard.** A roof having two slopes on its sides, with the lower slope almost vertical and the upper almost horizontal. These roofs often allow a tall attic space, frequently used to add an upper story.

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**Section 2. Volume 3, Development Code, Section 4.0100 Residential Land use Districts of Article 4 Land Use Districts and Plan Districts is amended as follows:**

**4.0110 Low Density Residential-5 (LDR-5)**

The Low Density Residential-5 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum net 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 net density of 6.22 units per ~~net~~ acre is required.

**4.0111 Low Density Residential-7 (LDR-7)**

The Low Density Residential-7 District is primarily intended for single-family detached dwellings and manufactured homes at a maximum net density of 6.22 units per ~~net~~ acre. For all subdivisions, and for those partitions of parent parcels greater than 20,000 square feet, a minimum net density of 4.35 units per ~~net~~ acre is required.

**4.0112 Transit Low-Density Residential (TLDR)**

The Transit Low Density Residential District designation is applied primarily to existing low-density residential neighborhoods within close proximity of light rail and/or bus transit service and is intended for single family detached and attached dwellings, manufactured homes, and duplexes at a maximum net density of 20 units per ~~net~~ acre. For all subdivisions, and for those partitions of parent parcels greater than 13,000 square feet, a minimum net density of 10 units per ~~net~~ acre is required. This district is intended to continue as a lower-density neighborhood, with detached single-family housing on small lots. Manufactured dwelling parks are allowed at a maximum net density of 14 units per acre and a minimum net density of 7 units per acre.

**4.0113 Transition Residential (TR)**

The Transition Residential District designation is intended for a mix of single-family detached, single-family attached and duplex housing. It is applied primarily to locations between more intense land use



districts (such as those that allow multi-family residential and commercial uses) and less intense land use districts such as LDR-5 and LDR-7. TR provides a transition between these intensities while providing for a variety of housing types. The residential net density is 6.22 to 14.52 or 18.218.15 units per acre, depending on site size.

**4.0114 Moderate Density Residential-12 (MDR-12)**

The Moderate Density Residential District-12 is primarily intended for attached housing at a maximum net density of 12.1 units per acre and manufactured dwelling parks at a maximum net density of 8.71 units per acre. Manufactured dwelling parks shall be designed in conformance with standards and procedures of the Oregon Department of Consumer and Business Services, Building Codes Division as contained in Oregon Administrative Rules Chapter 918 Div. 600. Where standards of OAR 918-600 conflict with the following standards, the more restrictive standard shall apply.

**4.0115 Moderate Density Residential-24 (MDR-24)**

The Moderate Density Residential District-24 is primarily intended for attached housing at a maximum net density of 24.2 units per acre and a minimum net density of 12.1 units per acre. Some non-residential uses may also be permitted within this district.

**4.0116 Office/Residential District (OFR)**

The Office/Residential District is primarily intended for business offices, professional clinics and attached housing at a minimum net density of 8.71 units per acre and a maximum net density of 12.1 units per acre.

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**Section 3. Volume 3, Development Code, Table 4.0130 Development Requirements for Residential Land Use Districts and Table 4.0130(E)Minimum Setbacks in Residential Districts of Article 4 Land Use Districts and Plan Districts are amended as follows:**

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

	LDR-5 <sup>1,2</sup>	LDR-7 <sup>1,2</sup>	TLDR	TR	MDR-12	MDR-24	OFR
<b>A. Minimum Site Size</b>	None	None	None, except 20,000 square feet for manufactured dwelling park <sup>13</sup>	None	Attached dwellings: 7,200 square feet Manufactured dwelling parks: 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 <sup>16</sup>	7,000 square feet	None	4,000 square feet	Not Applicable	Not Applicable	Not Applicable
<b>Single family attached dwellings:</b>	Not Applicable	Not Applicable	None	2,400 square feet	3,600 square feet	No minimum lot size	3,600 square feet
<b>Duplexes</b>	Not Applicable	Not Applicable	None	7,000 square feet	7,200 square feet	3,600 square feet	7,200 square feet
<b>C. Density:</b>							
<b>1. Minimum Net Density (See definition of Net Density in Article 3)</b>	<u>6.22 units per acre<sup>14</sup></u> 1 unit per 7,000 square feet <sup>14</sup>	<u>4.35 units per acre<sup>14</sup></u> 1 unit per 10,000 square feet <sup>14</sup>	<u>10 units per acre<sup>14</sup></u> 1 unit per 4,356 square feet of land area. <sup>14</sup> Manufactured dwelling park: <u>7 units per acre</u> 1 unit per 6,223 square feet	<u>6.22 units per acre<sup>14</sup></u> 1 unit per 7,000 square feet <sup>14</sup>	Attached dwellings: <u>8.71 units per acre<sup>4</sup></u> 1 unit per 5,000 square feet of land area Manufactured dwelling park: <u>3.78 units per acre</u> 1 unit per 11,500 sq. ft.	<u>12.1 units per acre<sup>5</sup></u> 1 unit per 3,600 square feet of land area <sup>5</sup>	<u>8.71 units per acre</u> 1 unit per 5,000 square feet of land area

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

	LDR-5 <sup>1,2</sup>	LDR-7 <sup>1,2</sup>	TLDR	TR	MDR-12	MDR-24	OFR
<b>2. Maximum Net Density</b>	<u>8.71 units per acre</u> 1 unit per 5,000 square feet Also See Section 4.0131(A).	<u>6.22 units per acre</u> 1 unit per 7,000 square feet. Also See Section 4.0131(A).	<u>20 units per acre</u> 1 unit per 2,178 square feet of land area Manufactured dwelling park: <u>14 units per net acre</u> 1 unit per 3,111 square feet	Sites less than 1.5 acres: <u>18.15 units per acre</u> (1 unit per 2,400 square feet) Sites greater than 1.5 acres: <u>14.52 units per acre</u> (1 unit per 3,000 square feet)	Attached dwellings: <u>12.1 units per acre</u> (1 unit per 3,600 square feet of land area) Manufactured dwelling park: <u>8.71 units per acre</u> (1 unit per 5,000 square feet)	<u>24.2 units per acre</u> (1 unit per 1,800 square feet of land area) Also See Section 4.0134(E) 4.0134(D)	<u>12.1 units per acre</u> (1 unit per 3,600 square feet of land area)

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<sup>15</sup> In addition to meeting applicable land division application requirements, a subdivision proposal within the LDR-5 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.

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**Table 4.0130(E) - Minimum Setbacks in Residential Districts<sup>7</sup>**

	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
Single Family Detached: <sup>6</sup> <sup>10</sup>										

**Table 4.0130(E) Notes:**

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<sup>10</sup> The maximum setback for single-family detached dwellings from the end of a Minor Access Street is 25 feet.



**Section 4. Volume 3, Development Code, Section 4.0100 Residential Land use Districts of Article 4 Land Use Districts and Plan Districts is amended as follows:**

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

**4.0131 Additional Standards for the LDR-5 and LDR-7 Districts**

**A. Average-Density Calculations**

1. Accessory dwellings are not included in the determination of density nor are dedicated streets or tracts created for non-dwelling unit purposes such as open space tracts, except where transfer of density from the tract to the remainder of the site is allowed by a Special Purpose Overlay District.
  2. A new lot created with a pre-existing dwelling on it may be excluded from the density calculation only if this new lot is less than 8,400 square feet or if the dwelling sits on a "leftover parcel" as described within **Section 4.0132(E)**.
  - ~~2. If a phased subdivision is proposed the average lot size of the first phase is calculated as provided in (1) above. The average lot size of subsequent phases is calculated as provided in (1) above for the lots in the phase under consideration plus the lots in the previous phase(s).~~
  - ~~3. A platted lot which was 1) above may not be further divided unless the application demonstrates that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat.~~
  - ~~4. A lot line adjustment is allowed. However, a lot line adjustment application for a lot consolidation shall also demonstrate that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat.~~
  - ~~5. A platted lot which was created pursuant to average lot size requirement in (1) above and designated as a duplex may not be developed with a single dwelling unless a Type I application is made which demonstrates that the average lot size requirements in (1) above are still met for the entire subdivision or partition plat. If the application is approved, the applicant shall provide a final map meeting the requirements of Community Development Code, **Section 6.0111**.~~
  - ~~6. A lot created 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.~~
- ~~**B. Public Alley and Lot Area:** When a lot abuts a public alley an area equal to the length of the alley frontage along the lot times the width of the alley right of way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the average lot size requirement for the abutting lot. It may also be used in calculating the average lot size.~~

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**4.0132 Additional Standards for the LDR-5, LDR-7, TR and TLDR Districts ~~Low Density Residential (LDR) and Transit Low Density Residential (TLDR) Districts~~**

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**D. Safe Neighborhood Design Performance Standards**

~~These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions are encouraged for all new LDR 5, LDR 7, TLDR, and TR District dwelling construction but shall only be required for a lot in LDR 5, LDR 7, TLDR, and TR or lots proposed for single family attached dwellings in other districts that had an application submitted for a preliminary plan under the standards in effect on or after December 19, 1996.~~

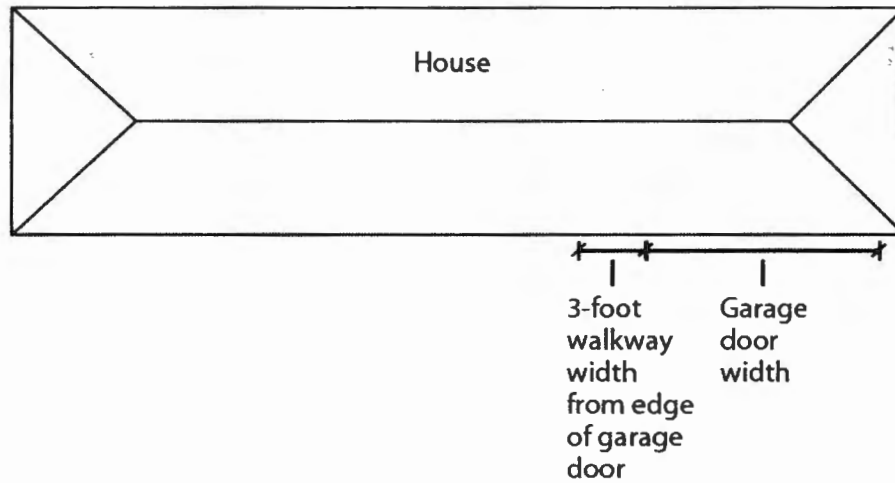
These provisions are intended to help create safer neighborhoods and a high-quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions apply to construction of new single-family detached dwellings,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

1. **Visible Dwelling Front.** Except for homes on the flag portion of flag lots,~~The the~~ front door shall be oriented towards the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from:
  - 1) the front door; or
  - 2) a street facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area)~~except window to a garage~~; or
  - 3) a street-facing, second-story, minimum four-foot-by-four-foot window, except a bathroom window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.

This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to **Section 10.1520** may use a private drive or future street to comply with this provision.

2. **Street Pedestrian Connection Options.** Except for homes on the flag portion of flag lots, at least one of the following shall be provided:
  - a. **Separate Walkway.** A separate, minimum three-foot-wide, hard-surfaced walkway directly from the public sidewalk to the front door; or
  - b. **Combined Walkway.** A minimum three-foot-wide, hard-surfaced walkway directly from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway as measured from the edge of the garage door. The walkway width must extend at least 3 feet beyond the edge of the garage door. (See Figure 4.0132(D)(2)(b).

**Figure 4.0132(D)(2)(b): Combined walkway width extending beyond garage door**



3. Street Surveillance Options. At least one of the following shall be provided:
  - a. Ground Level Outdoor Surveillance Area. A minimum 40-square-foot, covered, hard-surfaced entry area is placed at or immediately adjacent to the front door; or
  - b. Upper Level Outdoor Surveillance Area. A minimum 30-square-foot, second-story, covered or open porch, balcony or deck is placed on the front of the dwelling; or
  - c. Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - d. Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
4. ~~Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.~~
5. ~~Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet.~~

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

If a phased development or subdivision is proposed for a development that includes single-family attached dwellings, the first phase shall conform to density requirements without consideration of subsequent phases. Later phases shall conform to density requirements ~~consistent with previous phases and density standards~~ in a cumulative fashion, taking into account previous phases and while continuing to meet density standards at each phase. This is calculated by adding the number of lots for the current phase and all previous phases and dividing by the acreage of the current phase (taking into account subtractions in the “Net Density” definition) and all previous phases. The result shall meet the applicable density standard.

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#### **4.0134 Standards for Residential Districts Other Than LDR-5, LDR-7, TLDR and TR Low-Density Residential Districts**

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- D. Moderate Density Residential District-24: A lot of record which is less than 11,000 square feet may be developed for all uses permitted in this district. Attached dwellings may be developed on a lot of record which is less than 11,000 square feet when in compliance with the following density requirements:
1. Minimum net density = a duplex
  2. Maximum net density = 24.2 units per acre ~~1 unit per 1,800 square feet of land area~~

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#### **4.0135 Single Family and Duplex Construction on a Lot**

- A. The construction of a detached dwelling or manufactured home, or duplex in an LDR-5, LDR-7, TR or TLDR District, or single family attached dwelling in the TR or 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, and (in the case of single family attached dwellings in TR or TLDR) an active design approval is in effect or the land division predated said requirement, 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 Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.

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#### **4.0138 Residential ~~Infill~~ Compatibility Standards for LDR-5, LDR-7, TLDR and TR**

- A. Purpose. ~~The infill lot~~ These standards are intended to provide safe, connected neighborhoods at a compatible scale supported by public street systems and to establishing special height, bulk and setback requirements. They generally apply to infill developments or non-standard lots within neighborhoods or in new neighborhoods along the edges of existing neighborhoods. Specific information on applicability is found below.
- ~~B. Standards for Infill Development.~~  
~~The following standards apply to infill development. Infill development for the purposes of this~~

~~section shall include new residential development which is on Infill Lots or Parcels as defined in Subsection C, below.~~

**B. Standards for Non-Standard Lots, Except Flag Lots.**

The following standards apply to new residential development on existing or proposed lots in LDR-5, LDR-7, TLDR or TR that are non-standard but not flag lots. A non-standard residential lot or parcel is one that does not meet the standard lot depth, width, size or frontage requirements for the district.

In addition, the Manager may require compliance with these standards by future development as a condition of approval for any land division which abuts existing single-family residential development and which requires an adjustment or variance pursuant to **Section 10.1500**. When required, findings must support compliance with ~~infill~~these standards as a condition of approval in order to help preserve the character of existing residential neighborhoods.

1. Residential Floor Area Ratio (FAR). In order to preserve the residential character of existing neighborhoods and limit the mass of residential buildings in relation to the lot area, the following floor area standards are established:

a. Residential Building Size Standard. The floor area on any lot proposed for residential development shall not exceed the following (see **Figure A12.002, Appendix 12.000**):

Lots with less than 4,000 square feet of effective lot area – 60 percent of the effective lot area.

Lots with 4,000 to 8,000 square feet of effective lot area – 2,000 square feet plus 10 percent of the effective lot area.

Lots with greater than 8,000 square feet of effective lot area – this standard does not apply.

b. For the purposes of this section, “floor area” does not include unenclosed areas such as decks or porches and up to 500 square feet of garage space.

c. Effective Lot Area. As used in **Section 4.0138**, “effective lot area” is the gross horizontal area of a lot minus any portion of the lot encumbered by an access easement. ~~including the pole of a flag lot~~ (see **Figure A12.003, Appendix 12.000**).

~~2. Front Yard Setback for Flag Lots.~~

~~a. Temporary Flag Lots. Where a future street is identified abutting the parcel, the front yard setback shall be on the future street side.~~

~~b. Permanent Flag Lots. Applicant may choose the front yard for a permanent flag lot.~~

2. Building Height Setback (Rear and Side Yards). To provide compatible building scale and privacy between developments, taller buildings shall set back further to create a building height transition to neighboring residence(s). (See **Figure A12.005, Appendix 12.000**).

a. This standard applies to new ~~infill~~non-standard-lot development over 20 feet in height that is not on a flag lot.

b. For every foot of height over 20 feet, an additional six (6) inches of setback shall be added to the standard rear and/or side yard setback required by **Table 4.0130(E)**. The additional setback(s) shall only be required along those property lines that are shared with existing or planned single family residence(s).

- c. Porches, bay windows and decks may intrude into the required additional setbacks provided they are less than 20 feet in height.

3. Developments required to comply with Section 4.0138(B) are exempt from Sections 4.0138 (D).

- ~~4. Residential Infill Design Guidelines. The City shall prepare residential infill design guidelines, which address building compatibility and privacy concerns, and shall encourage applicants to apply these design guidelines to proposed infill development.~~

C. Infill Lots and Parcels Standards for Flag Lots

- ~~1. Definition. Infill Lots and Parcels are those existing or proposed lots or parcels in LDR-5, LDR-7, TLDR or TR that are non-standard. A non-standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.~~

- ~~2. In addition to the other requirements of the Development Code, the creation of new infill lots and parcels shall be subject to the standards below:~~

The following requirements apply to new development or expansions on existing or proposed lots in LDR-5, LDR-7, TLDR or TR that are flag lots whether the flag pole is part of the flag lot or the pole portion is an access easement. Flag lots and flag poles are defined in Article 3.

1. Process:

Flag lots shall require a Type II Adjustment pursuant to **Section 10.1520**, Reduction in Minimum Street Frontage. ~~In addition, the following standards and criteria shall apply:~~

2. Minimum setbacks for the flag portion of the flag lot are:

a. Front and side: 10 feet.

b. Rear with no alley: 10 feet.

c. Rear with an alley: 6 feet.

3. Height limits for flag lot structures are:

a. Structures with roofs with a pitch less than 1 foot for each 4 feet of horizontal distance: 22 feet.

b. Structures with a butterfly or mansard roof: 22 feet.

c. Structures with pitched roofs not listed in (b) of this subsection where the pitch is equal to or greater than 1 foot for each 4 feet of horizontal distance: 30 feet.

4. Flag lots must comply with the applicable provisions of Section 9.0100: Buffering and Screening Requirements.

5. Creation of flag lots:

- a. Permanent flag lots may be created only when mid-block streets or alleys cannot be extended to serve future development. Implementation of a Future Street Plan, pursuant to **Section 9.0700**, identifying mid-block streets shall be required whenever practicable as an alternative to approving a permanent flag lot (see **Figure A12.006, Appendix 12.000**).

For the purposes of this section “whenever practicable” shall mean other than as prevented by a topographic or natural feature, a transportation or public facility (e.g., an existing roadway, rail line, or school), or other feature of a fixed nature. Existing dwellings, other than those on the Gresham Historic and Cultural Overlay District or



National Register, existing lot patterns, and financial inability or lack of willing participants shall not preclude a Future Street Plan if future redevelopment and lot consolidation is possible.

- b.** Interim flag lots may be allowed in conjunction with an approved Future Street Plan in order to allow infill development to occur prior to construction of the future street.

**6. Driveways related to flag lots:**

- a.** A flag lot driveway (i.e., flag pole) may serve no more than two (2) flag lots.
- b.** A drive serving more than one lot shall have a reciprocal and shared access and maintenance access easement agreement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area (see **Figure A12.001, Appendix 12.000**).
- c.** Driveway width. All driveways serving flag lots, whether on a flag lot parcel or an easement, shall have a minimum travel lane width of 12 feet and a minimum planter strip width of 3 feet. The planter strip shall be located between the pole portion of the flag lot and the neighboring parcel(s) and shall extend the length of the driveway (See **Figure A12.001, Appendix 12.000**). The maximum width is 20 feet, except as required by the Uniform Oregon Fire Code.
- d.** Maximum driveway length. The maximum driveway length is subject to requirements of the Uniform Oregon Fire Code and shall not exceed 150 feet.

- 7. Density Lot area.** Flag poles or flag pole easements shall be considered not buildable and shall not be included in average lot size calculations. Density shall be based on effective lot area. (See **Figure A12.003, Appendix 12.000**). As used in Section 4.0138, "effective lot area" is the gross horizontal area of a lot minus any portion of the lot encumbered by an access easement, including the pole of a flag lot (see Figure A12.003, Appendix 12.000).

- 8.** Additional Requirements for Interim Flag Lots.

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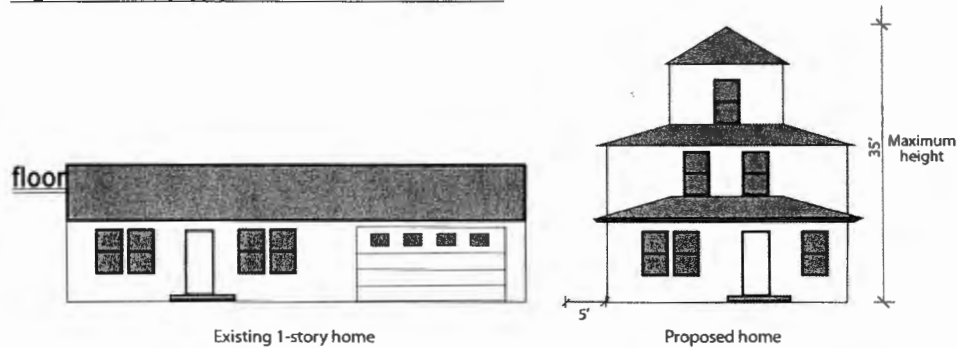
- d.** Future Street Dedication, Improvement and Non-remonstrance Agreements. The applicant/owner may be required to dedicate right-of-way to support a future street plan. The dedication shall be so indicated on the face of the subdivision or partition plat. Pursuant to **Section A5.408**, street improvements shall be made consistent with public works standards and subject to the requirements of the Uniform Oregon Fire Code. An improvement agreement or non-remonstrance agreement may be required to ensure future improvements or participation in a Local Improvement District.

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**D. Standards for New Residential Development Adjacent to Existing Low-scale Development**

- 1.** Intent: In situations where new or expanding residential development is next to an older single-family detached dwelling or duplex in certain districts, the new development should be limited in volume such that a two-story house is allowed with the potential for a third story that has less volume and square footage than the first two stories. This is intended to reduce the difference in scale and massing on the two lots and limit the potential number of views onto the abutting, existing property from the proposed structure's windows.

**Figure 4.0138(D)(1): Intent for smaller third**



**2. Applicability:**

**a.** These standards apply to expansion of existing residential structures where building volume is being increased and to construction of new single-family detached dwellings, duplexes, single-family attached dwellings and associated accessory structures in the following circumstances:

**1.** The lot abutting the proposed development has the following characteristics:

- A.** The abutting lot is in LDR-5, LDR-7, TR or TLDR; and
- B.** A single-family detached dwelling or duplex exists that has been on the lot for at least 10 years; and
- C.** The existing single-family detached dwelling or duplex is less than or equal to 15 feet tall, which means buildings with flat roofs are less than or equal to 15 feet tall and buildings with pitched roofs measure 15 feet or less from the ground to the highest exterior portion of the eave; and
- D.** When the shared property line is:
  - 1.** The side lot line for both lots and the existing single-family detached dwelling or duplex on the lot is within 15 feet of the shared property line between its lot and the lot with the new construction or expansion; or
  - 2.** The rear lot line of the lot with the existing single-family detached dwelling or duplex and the side lot line of the lot with the proposed development and the existing single-family detached dwelling or duplex on the lot is within 30 feet of the shared property line; and
  - 3.** The lot with the proposed development is in LDR-5, LDR-7, TR or TLDR or is a new or expanding single-family attached structure on a lot abutting a single-family dwelling or duplex in LDR-5, LDR-7, TR or TLDR.

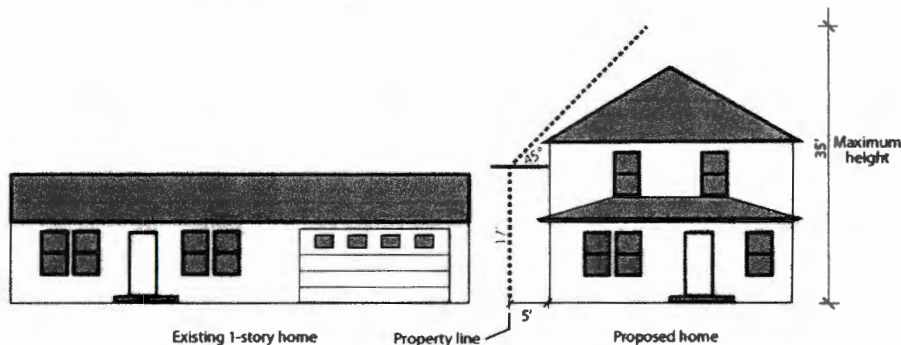
**3. Standards:**

Buildings shall comply with a compatibility angle that limits the volume of buildings on the site. The angle is determined in the following manner and is shown in **Figure 4.0138(D)(3)**:

- a.** The starting point for the compatibility angle shall be the midpoint of the lot line of the existing dwelling. (See **Figure 4.0138(D)(3)(a)**). If a retaining wall is located at the property line's midpoint, the starting point shall begin halfway between the ground at the bottom of the wall and the top of the wall.
- b.** From the midpoint, a horizontal plane perpendicular to the ground and 17 feet directly above the lot line shall be established. Then a plane shall be established at a 45-degree angle inward over the property with the new or expanding development, rising 1 foot of additional rise for each 1 foot from the lot line.

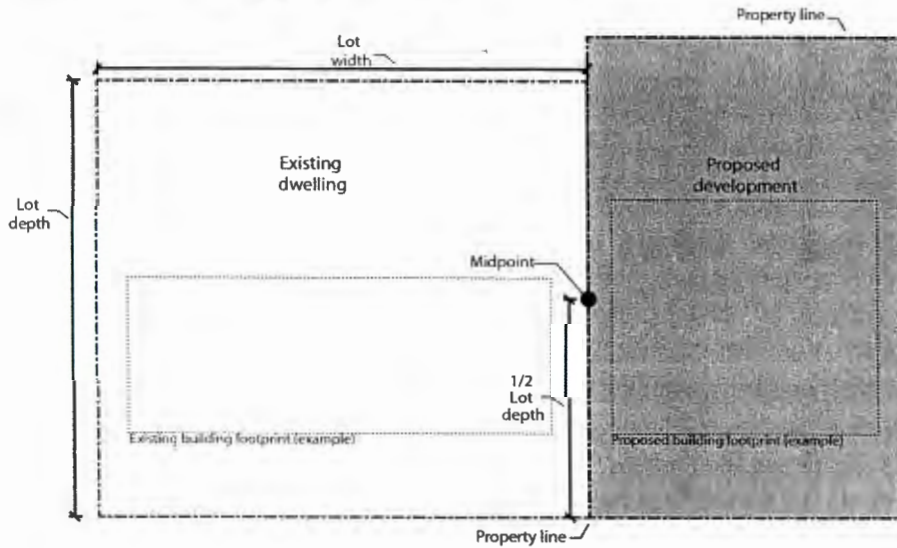
- c. A potential adjustment may be allowed for lots on existing slopes where the compatibility angle restricts the building volume more than intended in Section 4.0138(D)(1). It does not apply to lots where the grade has been artificially raised. Adjustments shall meet the following standards:
1. Lots intended for proposed development that have existing slopes as described above can apply for the vertical plane to be raised if the compatibility angle results in a height at the 5-foot setback that is less than 20 feet on the portion of the lot where the applicant intends to build a structure; and
  2. The applicant requesting the change in vertical plane shall demonstrate that the development cannot comply with the compatibility angle by changing the location of the building because of Habitat Conservation Area, steep slopes, existing structures, tree preservation or similar constraints; and
  3. The revision shall be approved at the discretion of the Manager; and
  4. The revision shall conform to the intent of the compatibility angle to limit side wall heights to 22 feet facing the lot with the existing single-family detached dwelling or duplex that meets the standards in Section 4.0138(D)(2).
- d. If the compatibility angle results in a height at the 5-foot setback that is more than 26 feet in the area where the applicant intends to build a structure, the 17-foot vertical plane may be lowered at the discretion of the Manager until the compatibility angle results in a 22-foot height at the 5-foot setback. The angle would be lowered to meet the intent of Section 4.0138(D)(1).
- e. Solar collection equipment, vents, antennas and chimneys may project beyond the 45-degree compatibility angle. The maximum projection for solar collection equipment shall be 3 feet.

Figure 4.0138(D)(3): Compatibility angle





**Figure 4.0138(D)(3)(a): Midpoint example**



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**Section 5. Volume 3, Development Code, Section 4.0400 Corridor Districts and Table 4.0430 Development Requirements for Corridor Districts of Article 4 Land Use Districts and Plan Districts are amended as follows:**

**Table 4.0430 Development Requirements For Corridor Districts**

	Rockwood Town Center	Station Centers	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
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<b>E. Minimum Residential Net Density</b> <u>(See definition of Net Density in Article 3)</u>	18 units per acre/acre for attached single-family dwellings; 20 units per acre/acre for attached dwellings	18 units per acre/acre for attached single-family dwellings; 24 units per acre/acre for attached dwellings	18 units per acre/acre for attached single-family dwellings; 24 units per acre/acre for attached dwellings	12 units per acre/acre	12 units per acre/acre	12 units per acre/acre	12 units per acre/acre
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<b>F. Maximum Residential Net Density</b> (See definition of Net Density in Article 3)	Unlimited inside Stark/ Burnside/181st Ave. Triangle; 40 units per net acre/ acre elsewhere	60 units per acre/ acre	60 units per acre/ acre	24 units per acre/ acre	24 units per acre/ acre	40 units per acre/ acre	40 units per acre/ acre
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<b>J. Maximum Building Height</b> (Section 4.0434)	None <sup>9</sup>	80 feet <sup>9</sup>	80 feet <sup>9</sup>	45 feet <sup>9</sup>	45 feet <sup>9</sup>	45 feet <sup>9</sup>	45 feet <sup>9</sup>
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<b>N. Screening and Buffering Required</b> (Section 4.0438)	No, except where abutting Transit- <u>LDR/LDR-5, LDR-7, TR, TLDR, or CMF, or CMU</u> <sup>13</sup>	No, except where abutting Transit- <u>LDR/LDR-5, LDR-7, TR, TLDR, or CMF, or CMU</u> <sup>13</sup>	No, except where abutting CMF, and for auto-dependent commercial, <u>outdoor commercial</u> and industrial uses <sup>13</sup>	Yes <sup>13</sup>	Yes <sup>13</sup>	Yes	Yes
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**Table 4.0430 Notes:**

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<sup>9</sup> The maximum building height shall be reduced to 35 feet for any building containing dwelling units when located adjacent to an LDR-5, LDR-7, TLDR, or TR District, as provided in Section 7.0204(J).

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**~~4.0438 Buffering and Screening Requirements~~**

~~New development in the Rockwood Town Center district and the Station Centers district is exempt from the provisions of Section 9.0100 Buffering and Screening, except where the development site abuts property designated Transit LDR, or Corridor Multi Family, or Corridor Mixed Use. New development in the Station Center (Ruby Junction Overlay) district is exempt from the provisions of Section 9.0100 Buffering and Screening, except for auto-dependent commercial developments, industrial developments, and where a development site abuts property designated Corridor Multi Family.~~

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**Section 6. Volume 3, Development Code, Section 4.1100 Downtown Plan District Design Manual of Article 4 Land Use Districts and Plan Districts is amended as follows:**

Table 4.1130							
	DCC	DMU	DTM	DEM	DRL-1	DRL-2	DCL

\*\*\*\*\*

Minimum Residential <u>Net Density</u> for all-residential projects (not mixed use) (units per acre) <u>(See definition of Net Density in Article 3)</u>	17	20	20	17	8.71	8.71	17
Maximum Residential <u>Net Density</u> (units per acre) <u>(See definition of Net Density in Article 3)</u>	No maximum	No maximum	No maximum	No maximum	12.45	No maximum	60

**Section 7. Volume 3, Development Code, Section 4.1200 Civic Neighborhood Plan District of Article 4 Land Use Districts and Plan Districts is amended as follows:**

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**4.1210 Transit Development District - Medium Density - Civic (TDM-C)**

This designation affects land in the Civic Neighborhood which has good access both to existing and future light rail stations and to abutting arterial streets. Primary uses permitted include commercial, retail, and service uses occupying the ground floor area and all or a portion of the second story. Also permitted are mixed-use and multi-family developments with a minimum density of 24 units per net acre. Larger buildings are encouraged in these areas, with parking under, behind, or to the sides of buildings.

**4.1211 Transit Development District - High Density - Civic (TDH-C)**

This designation affects land around existing and future light rail stations in the Civic Neighborhood area. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and multi-family residential at a minimum density of 30 units per net acre. Larger buildings

are encouraged in these areas, with parking under, behind, or to the sides of buildings. Free-standing retail uses are allowed up to 10,000 square feet of floor area.

**4.1212 High-Density Residential - Civic (HDR-C)**

This designation is applied to property which is within walking distance of light rail stations, but generally somewhat farther removed from the stations than the TDH-C district. Areas designated HDR-C are high-density residential neighborhoods with a minimum of 24 units per net acre. Secondary uses include neighborhood commercial uses, smaller scale offices and neighborhood parks. Small free-standing Office-Commercial uses are allowed within mixed-use developments, provided they do not occupy more than 50% of the residential floor area, and that minimum residential densities are met. Retail uses in free-standing buildings are not permitted, but are allowed within mixed-use buildings, provided they do not occupy more than 10,000 square feet of floor area, and that minimum residential densities are met.

**4.1213 Moderate-Density Residential - Civic (MDR-C)**

This designation is applied to property which is within walking distance of light rail stations and bordering Wallula. Areas designated MDR-C are moderate-density residential uses with a minimum density of 17 units per net acre. Typical forms of housing include row houses, garden apartments, condominiums, and podium apartments. Mixed-use and neighborhood-scale commercial uses are allowed to locate within residential buildings occupying up to 100% of the ground floor area provided that minimum residential densities are met.

For purposes of this Plan District, the boundaries of the sub-districts shall be the centerline of the adjacent public rights of way depicted on the Community Development Plan Map. Any modification of the centerline of such rights of way pursuant to **Section 4.1244** below shall result in a corresponding modification of the affected sub-district boundary.

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**Table 4.1230 Civic Neighborhood Sub-District Development Standards**

	TDM-C	TDH-C	HDR-C	MDR-C
<b>A. Minimum Lot Size (Section 4.1231)</b>	None	None	None	None
<b>B. Minimum Average Floor Area Ratio (FAR) (Section 4.1232)</b>	0.4:1 south; 0.6:1 north <sup>5</sup>	1.1:1	None	None
<b>C. Minimum Residential Density (Section 4.1232)</b> <u>See Net Acreage definition in Article 3</u>	24 units/net acre	30 units/net acre	24 units/net acre	17 units/net acre
<b>D. Maximum Residential Density</b> <u>See Net Acreage definition in Article 3</u>	None	None	None	30 units/net acre

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**Section 8. Volume 3, Development Code, Section 4.1300 Gresham Butte Plan District of Article 4 Land Use Districts and Plan Districts is amended as follows:**

**General**

**4.1301 Purpose**

The Gresham Butte Plan District is an overlay district providing special regulations covering the Gresham Butte area of the city. The boundaries of the Gresham Butte Plan District are shown on the Gresham Butte 19 - ORDINANCE NO. 1704

Overlay Map in Appendix 41 of Volume 1, Gresham Community Development Plan. Contained in this section are special requirements for development within this area.

Special requirements for this area are provided to preserve the natural beauty of Gresham Butte. In addition, the requirements are needed to provide for the unique development conditions experienced on Gresham Butte including special needs in the areas of storm water management, fire protection and access management.

The uses permitted and standards applied match those of the ~~underlying zoning district~~ Low-Density Residential-5 district and the Hillside Physical Constraint District unless modified by this section.

## Development Standards

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### 4.1310 Type of Development Allowed and Setback Minimum

The ~~underlying zone district~~ LDR-5 development types are allowed except the Gresham Butte Plan District specifically prohibits:

1. Two Unit Attached Dwellings
2. Zero Lot Line Dwellings

The ~~underlying zone district~~ LDR-5 setback requirements are required except that the side yard setback shall be a minimum of 10 feet to encourage side yard planting.

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### 4.1312 Site Development Requirements

The Site Development Requirements of the ~~underlying zone~~ LDR-5 shall apply unless modified by this section.

**A.** Development on a Lot of Record

A lot of record may be developed with a permitted use as per the Gresham Community Development Code. Development on a lot of record must be developed with dwellings protected with a fire sprinkler system consistent with **Subsection (B)** below.

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Section 9. Volume 3, Development Code, Section 4.1400 Pleasant Valley Plan District and Table 4.1408A Development Standards in Pleasant Valley Residential Sub-districts of Article 4 Land Use Districts and Plan Districts are amended as follows:

**Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts**

Use Categories	LDR-PV	MDR-PV	HDR-PV
Residential Density: Minimum – Maximum (dwelling units per net acre) <b>Section 4.1476(D)</b> <u>See Net Acreage definition in Article 3</u>	Average 5.3-7.9 units per net acre in approved master plan	Average 12-20 units per net acre in approved master plan	Average 20-30 units per net acre TownCenter 30-40 units per net acre in approved master plan

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**4.1411 Safe Neighborhood Design Performance Standards**

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

A. Visible Dwelling Front. Except for dwellings on the flag portion of flag lots, the front door shall be oriented towards the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from:

1. the front door; or
2. a street facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area); or
3. a street-facing, second-story, minimum four-foot-by-four-foot window, except a bathroom window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.

This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to **Section 10.1520** may use a private drive or future street to comply with this provision.

B. Street Pedestrian Connection Options. Except for homes on the flag portion of flag lots, at least one of the following shall be provided:

1. Separate Walkway. A separate, minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
2. Combined Walkway. A minimum 3-foot wide, hard-surfaced walkway directly from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least three feet beyond the edge of the garage door as measured from the edge of the garage door. (See **Figure 4.0132(D)(2)(b)**).

**C. ~~Street Pedestrian Connection Options.~~ Street Surveillance Options:** At least one of the following shall be provided:

1. Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed ~~at or~~ immediately adjacent to the front door; or
2. Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony, or deck is placed on the front of the dwelling; or
3. Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
4. Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.

**C. ~~Front Yard Fence Height.~~** ~~The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.~~

**D. ~~Rear Yard Fence Height on Alley.~~** ~~The maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.~~

\*\*\*\*\*

**Section 10. Volume 3, Development Code, Section 4.1500 Pleasant Valley Plan District and Table 4.1508 Development Standards in Springwater Residential Sub-districts of Article 4 Land Use Districts and Plan Districts are amended as follows:**

**Table 4.1508 - Development Standards in Springwater Residential Sub-districts**

Use Categories:	VLDR-SW	LDR-SW	THR-SW
Residential Density: Minimum – Maximum (dwelling units per net acre) <u>See definition of Net Acreage in Article 3.</u>	Up to 3.6 units per <u>net acre</u> . No minimum density in this zone.	From 5.8 to 7.3 units per <u>net acre</u>	From 12.0 to 17.4 units per <u>net acre</u>

\*\*\*\*\*

## 4.1510 Safe Neighborhood Design Performance Standards

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street.

**A. Visible Dwelling Front.** Except for homes on the flag portion of flag lots, the front door shall be oriented towards the street which the dwelling faces. At least 75 percent of that street frontage shall be visible from:

1. the front door; or
2. a street facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area); or
3. a street-facing, second-story, minimum four-foot-by-four-foot window, except a bathroom window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.

This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to Section 10.1520 may use a private drive or future street to comply with this provision.

**B. Street Pedestrian Connection Options.** Except for homes on the flag portion of flag lots, at least one of the following shall be provided:

1. Separate Walkway. A separate, minimum three-foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
2. Combined Walkway. A minimum three-foot-wide, hard-surfaced walkway directly from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least three feet beyond the edge of the garage door, as measured from the edge of the garage door. (See Figure 4.0132(D)(2)(b)).

**C. Street Surveillance Options.** At least one of the following shall be provided:

1. Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed at or immediately adjacent to the front door; or
2. Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony, or deck is placed on the front of the dwelling; or
3. Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
4. Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.

~~**C. Front Yard Fence Height.** The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.~~

~~**D. Rear Yard Fence Height on Alley.** The maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.~~

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**Section 11. Volume 3, Development Code, Section 6.0200 Partitions and Subdivisions of Article 6 Land Divisions is amended as follows:**

### **6.0211 Phased Subdivision**

The approval authority may authorize a time schedule for platting a subdivision in phases. Each phase may be for a period of time in excess of one year but the total time period for all phases shall not be greater than five years without resubmission of the tentative plan. Each phase so platted and developed shall conform to the applicable requirements of this code. ~~The first phase of an LDR subdivision shall conform to average lot size requirements without consideration of subsequent phases. Later phases of an LDR subdivision shall conform to average lot size requirements consistent with previous platted phases and the average lot size standards.~~ Portions platted after the passage of one year shall be required to have modifications if necessary to avoid conflicts with a change in the Community Development Plan.

### **6.0212 Duration of Exemption from Subsequently Adopted Land Use Ordinance**

For the purposes of ORS92.040(2) and (3), after Sept. 9, 1995, construction within an approved subdivision shall be subject to the City of Gresham land-use laws that were in effect on the date the tentative subdivision plan application was made and shall not be subject to subsequently adopted City of Gresham land-use laws. This exemption from subsequently adopted City of Gresham land-use laws shall terminate 2 years from the date the City of Gresham land-use decision on the tentative subdivision becomes final.

### **6.0213 Review of Lots Not Lawfully Created**

The City will consider applications to partition or subdivide lots that were not lawfully created under the following circumstances:

- A. The property is owned by more than one owner; and
- B. One or more of the owners applies for creation of the lots that were improperly formed without approval of the City or County, even if not all of the owners of the existing legal lot have applied for approval; and
- C. The owners of the lot are not related by blood or marriage; and
- D. The only business relationship among the owners is the transaction by which ownership interests in the portions of the lot were sold.

The application shall be subject to the City's land division requirements and shall meet all applicable standards.

\*\*\*\*\*

**Section 12. Volume 3, Development Code, Section 6.0400 Land Division Final Plat Requirements of Article 6 Land Divisions is amended as follows:**

### **6.0411 Reinstatement of Tentative Plan Approval Status**

- A. Prior to the expiration date of a tentative plan extension the Manager may, upon written request of the applicant, assign an inactive status to the tentative plan.
- B. An inactive plan may have its tentative plan approval status reinstated, under the Type II procedure, if the plan is found to be consistent with the following criteria:
  - 1. There have been no changes in the Community Development Code that would necessitate a modification of the tentative plan;
  - 2. The facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan; and
  - 3. There are no other development approvals that would be affected.
- C. If the tentative plan approval status is reinstated the applicant shall comply with the City's final plan



technical information requirements in effect at the time of reinstatement. A land division that has been reinstated shall be recorded with Multnomah County within three years from the date the inactive plan was reinstated.~~the date the inactive status was granted.~~

\*\*\*\*\*

**Section 13. Volume 3, Development Code, Section 7.0100 Two or More Units, Elderly Housing and Mixed-Use (Residential) Criteria, Guidelines and Standards of Article 7 Design Review is amended as follows:**

### **7.0103(A)(3)**

**d. Design Standards.** All developments shall comply with the following requirements:

1. **Visible Dwelling Front.** The front entry to a building on a street or on a courtyard shall be oriented towards the street which the dwelling faces or towards a central courtyard. For all developments on a principal arterial street, developments shall be oriented toward a central courtyard. At least seventy percent (70%) of the street or courtyard frontage shall be visible from 1) the front door; or 2) a ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area)~~(except a garage window)~~; or 3) a second story window except a bathroom window placed no higher than three (3) feet six (6) inches from the floor to the bottom of the window sill. This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied.

\*\*\*\*\*

### **7.0103(A)(8)(d)(1)(e)**

- iv. Location of private driveway accesses shall meet the Uniform Oregon Fire Code and shall be consistent with **Appendix A5.501 (G)(4) and A5.503.**

**Section 14. Volume 3, Development Code, Section 7.0200 Standards and Criteria of Article 7 Design Review is amended as follows:**

## **Specific Design Review Criteria and Standards**

### **7.0201 Single Family Attached Dwelling Units**

\*\*\*\*\*

#### **M. Safe Neighborhood Design Performance Standards**

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

~~These provisions, which are repeated in Section 4.0132(D), are intended to help create safer neighborhoods and a high-quality pedestrian environment by incorporating crime prevention design that emphasize linkages and surveillance between the dwelling and the street. These provisions are required for single family attached dwellings proposed in all districts that permit single family attached dwellings as specified in Section 4.0132(D).~~

1. **Visible Dwelling Front.** The front door shall be oriented towards the street which the dwelling

faces. At least 75% of that street frontage shall be visible from:

- a. the front door; or
- b. a street facing ground floor window in a frequently used room such as a living room, dining room, kitchen or bedroom (but, for example, not a window to a garage, bathroom or storage area) ~~except window to a garage~~; or
- c. a street-facing, second-story, minimum four-foot-by-four-foot window, except a bathroom window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.

~~1) the front door; or 2) a street facing ground floor window (except a garage window); or 3) a street facing second story, minimum four foot by four foot window, placed no higher than 3 feet 6 inches from the floor to the bottom of the window sill.~~

This section allows portions of the front of a dwelling to protrude forward of other portions, as long as the visibility standard is satisfied. A dwelling on a lot created pursuant to **Section 10.1520** may use a private drive or future street to comply with this provision.

2. Street Pedestrian Connection Options. At least one of the following shall be provided:
  - a. Separate Walkway. A separate, minimum three foot wide hard surfaced walkway directly from the public sidewalk to the front door; or
  - b. Combined Walkway. A minimum three-foot-wide, hard-surfaced walkway directly from the public sidewalk to the front door with at least a portion of the walkway combined at the edge of the driveway. The walkway width must extend at least 3 feet beyond the edge of the garage door as measured from the edge of the garage door. (See Figure 4.0132(D)(2)(b)).
3. Street Surveillance Options. At least one of the following shall be provided:
  - a. Ground Level Outdoor Surveillance Area. A minimum 40 square foot covered hard surfaced entry area is placed ~~at or~~ immediately adjacent to the front door; or
  - b. Upper Level Outdoor Surveillance Area. A minimum 30 square foot second story covered or open porch, balcony or deck is placed on the front of the dwelling; or
  - c. Dwelling Front Location. The front of the dwelling (not including the garage) or of a covered entry has maximum setback of 16 feet; or
  - d. Dwelling and Garage Front Location. The front of the garage is flush with the front of the dwelling or is recessed back from the front of the dwelling.
- ~~4. Front Yard Fence Height. The maximum height of a fence forward of the minimum front yard setback shall be 4 feet.~~
- ~~5. Rear Yard Fence Height on Alley. The maximum height of a fence along an alley lot line shall be 6 feet.~~

\*\*\*\*\*

**Section 15. Volume 3, Development Code, Section 9.0100 Buffering and Screening Requirements of Article 9 Common Requirements is amended as follows:**

## **Buffering and Screening Requirements**

### **9.0110 Buffering and Screening Requirements**

- ~~A. A buffer consists of a horizontal distance adjacent to the property line and may include vertical elements such as plants, berms, fences or wall, which may only be occupied by screening, utilities~~

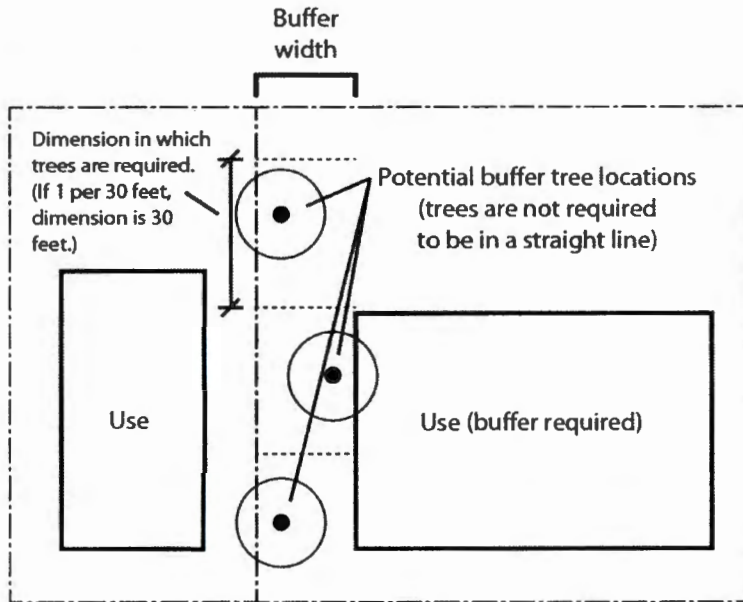
~~and landscaping materials.~~

- A. A buffer consists of a horizontal distance adjacent to the property line. The following standards apply to materials in the buffer:
1. The following elements are allowed in the buffer: Vertical elements such as plants, berms, fences or walls; screening; landscaping materials(including gardens); stormwater facilities such as rain gardens and bioswales; and garden elements such as arbors, trellises, fountains, ponds, yard accessories and seating. Seating must be at least 5 feet from the abutting property line. Underground, in-ground and overhead utilities are allowed in the buffer. Above-ground installation of mechanical equipment, such as for heating, ventilation and air conditioning, is not allowed in the buffer width.
  2. Unless listed in Section 9.0110(A)(1), projections listed in Section 9.0901(A) shall not be allowed in the buffer.
  3. Children's play areas are not allowed in the buffer area.
- ~~B. The buffer area requirements are in addition to the minimum yard setback requirements and landscaping requirements, except for developments as specified within the Downtown Plan District, the Civic Neighborhood Plan District, the Rockwood Town Center District, and the Station Centers District. In districts where a maximum setback distance is specified, the buffer width distances of Table 9.0111B shall be reduced so that they do not exceed the maximum setback distance. The buffer requirements are in addition to the street tree requirements. Buffer tree requirements can count toward yard and site tree requirements. They shall not count toward other requirements, such as drive, parking lot and street tree requirements.~~
- C. For purposes of this section, a vacant lot is a lot that is undeveloped or developed with a non-conforming use. Least to more intensive uses are: LDR-5 and LDR-7 District dwellings, TR District dwellings, TLDR District dwellings, two (2) to four (4) attached dwellings or single family attached dwellings, five (5) or more attached dwellings or single family attached dwellings, residential community service, primarily residential mixed use, office use, NC use, primarily commercial mixed use, non-residential community service use, outdoor commercial use, GI use and HI use. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the conforming use that would conflict most with the proposed use most intense conforming use. Least to more intensive uses are: single-family detached dwellings, manufactured homes and duplexes; single-family attached dwellings; attached dwellings on a single lot; residential community service use; commercial and non-residential community service uses; outdoor commercial and auto-dependent commercial; industrial and Springwater industrial.
1. When the proposed development occurs adjacent to a vacant lot, one-half of the buffer and screening shall be provided at the time of the proposed development. The one-half provided by the proposed development shall at least include one-half of the required buffer width and one-half of required buffer shrubs and trees and groundcover. A required fence or wall shall be provided by the more intensive use at the time of its development. The balance of the buffer shall be provided at the time the vacant lot is developed.
  2. If the proposed development abuts a property in the LDR-5, LDR-7, TLDR or TR District, the entire buffer shall be provided by the proposed development.
  3. If the proposed development is an LDR-5, LDR-7, TLDR or TR District dwelling and abuts vacant land that is primarily intended for a more intensive use, the entire buffer shall be provided by the more intensive use at the time of its development.

4. When a proposed development occurs adjacent to an existing use that has not provided a buffer and screening in accordance to this section, the proposed use shall provide the buffer and screening to the conforming use of the adjacent property.
- D. ~~In those cases where a proposed land use is separated from an abutting use by a street of at least arterial status, the buffering and screening requirements along this common boundary may be waived. When a required buffer is adjacent to a street, the required wall or fence structures shall be located so that the landscaped portion of the buffer is oriented toward the right of way. A fence shall not be required for a 'B' or 'C' buffer that abuts a street.~~  
Buffers are required across streets only when:
1. Industrial uses are adjacent to single-family detached, duplex, and single-family attached uses across streets that have a designated right of way in the Public Works Standards of less than 100 feet. Screening required as part of E or F landscape requirements (as defined in Table 9.0111(B)) shall be incorporated. On portions of the site facing the street, the required landscaping shall be oriented toward the right of way.
  2. Commercial or Non-Residential Community Service uses greater than 10,000 square feet (either in one building or an entire site, including both indoor and outdoor uses) adjacent to single-family detached, duplex and single-family attached uses that are across streets with a designated right of way in the Public Works Standards of 60 feet or less. In this case, screening elements would not be required.
- E. Required landscaping materials within the buffer, as provided in this Article shall consist of the following:
1. ~~Shade Trees: (deciduous trees capable of at least 25 feet in height and spread at maturity) not less than 10 feet high, and 1.5 inches caliper in size at the time of planting.~~
  1. Trees (see Article 3 for definitions):
    - a. Shade trees capable of at least 25 feet in height and spread at maturity. These trees shall be not less than 10 feet high and 2.5 inches caliper in size at the time of planting and shall be balled and burlapped or container stock. In buffer widths that are less than 15 feet, shade trees shall be capable of reaching a height of at least 25 feet and at least 15 feet of spread at maturity.
    - b. Evergreen trees that are capable of at least 25 feet in height. These must be 8 feet in height at the time of planting and balled and burlapped or container stock.
    - c. At least one tree shall be required to be planted within the area specified in the "Trees" column in Table 9.0111(B). For example, if the standard requires 1 tree per 30 linear feet, at least 1 tree shall be planted in each 30 linear feet. They are not required to be planted in a straight line. See Figure 9.0110(E).

**Figure 9.0110(E) Tree Placement in Buffer**





2. Evergreen and deciduous shrubs: (capable of at least 8 feet in height at maturity) not less than 2 feet high, and one gallon size at the time of planting. With the exception of dwarf shrubs such as boxwood, shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1 gallon size at planting. Shrub selection shall consider which plants will thrive under selected trees and in shade or sun conditions. The shrubs should be planted to obscure the lower portion of any required fence or wall. Hedges required for screening must be a minimum of 6 feet tall at the time of planting.
  3. Ground cover: covering the balance of the property shall be well rooted in either flats or a minimum of 1 gallon pots. Ground cover selection shall consider which plants will thrive under selected trees and in shade or sun conditions. Ground cover shall cover the balance of the buffer area.
  4. Fences: shall be sight-obscuring so as to provide complete visual separation from the adjacent property. Fences shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.
  5. Walls: shall be a sight-obscuring fence constructed of brick, stone or concrete. Walls shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.
  6. Berms: shall provide a natural appearance through undulating changes in berm height. Berms shall not have a slope greater than 33 percent (1 foot in vertical height for every 3 feet in horizontal distance), except that one side of a berm can be supported by a retaining wall. They shall be landscaped with the required evergreen shrubs and trees from the buffer matrix or additional shrubs and trees. Alternative berm designs can be considered as part of an alternative buffer plan, shall be landscaped with evergreen shrubs.
- E.** Maintenance: buffers and screens shall have on-going maintenance. Compliance with the following criteria is required:
1. Inspections. A City representative will perform a final landscape inspection to ensure that the landscape demonstrates equivalent compliance with the approved landscape plan upon

completion of the project and before issuance of a Temporary or Final Certificate of Occupancy following a request from the developer.

The inspection time period is from March 1 to November 15. If an inspection is requested between November 16 and the last day of February and the landscaping is not complete, or if the applicant requests a Temporary Certificate of Occupancy to occupy one or more buildings on site prior to the landscaping being completed, a financial guarantee is to be provided based on one hundred and ten percent (110%) of the estimated cost of plant materials and buffer elements (such as walls and fences) and labor for the total landscape plan as indicated in a landscape cost estimate. Beginning March 1, the Applicant has 180 days to complete the items or the City will cash in the amount being held and finish the landscape job.

2. Establishment Period. The establishment period for the plant material guarantee will begin at the Final Certificate of Occupancy inspection approval to 2 years from that date. All plantings shall be properly planted as to be in a healthy, growing condition at commencement of the establishment period. At the end of the establishment period, any plantings that are 20 percent (20%) dead or greater shall be replaced.
3. Maintenance of required plantings by the owner shall be carried out so as to present a healthy, neat and tidy appearance, free from refuse and debris.
4. To ensure proper maintenance and as a condition of Final Site Plan approval, the property owner shall enter into and record with the City a Landscape Maintenance Agreement, or include such provisions as part of the condominium master deed, each of which shall be approved by the City Attorney. Such instrument shall identify the minimum plan of maintenance, the person or entity responsible for maintenance, and shall provide the procedure, authority and finance for City cure of breaches by the responsible entity. Such instrument shall also include: provisions that all unhealthy and dead material shall be replaced within 1 year, or the next appropriate planting period, whichever occurs first; all landscaped areas shall be provided with an operable irrigation system; tree stakes, guy wires and tree wrap are to be removed after 1 winter season; and plantings shall be guaranteed for 2 years after the Final Certificate of Occupancy inspection approval.
5. Responsibility and Certificates of Occupancy. The owner of the property subject to the requirements of this Section shall be responsible for installing and maintaining landscaping per the approved final landscape plan as specified in this Section. Where a person other than the owner occupies the property, the occupant shall also be responsible for maintenance.

G. When the following situations exist, the buffering and screening may be reduced or eliminated, or alternative means of providing the desired screening may be instituted.

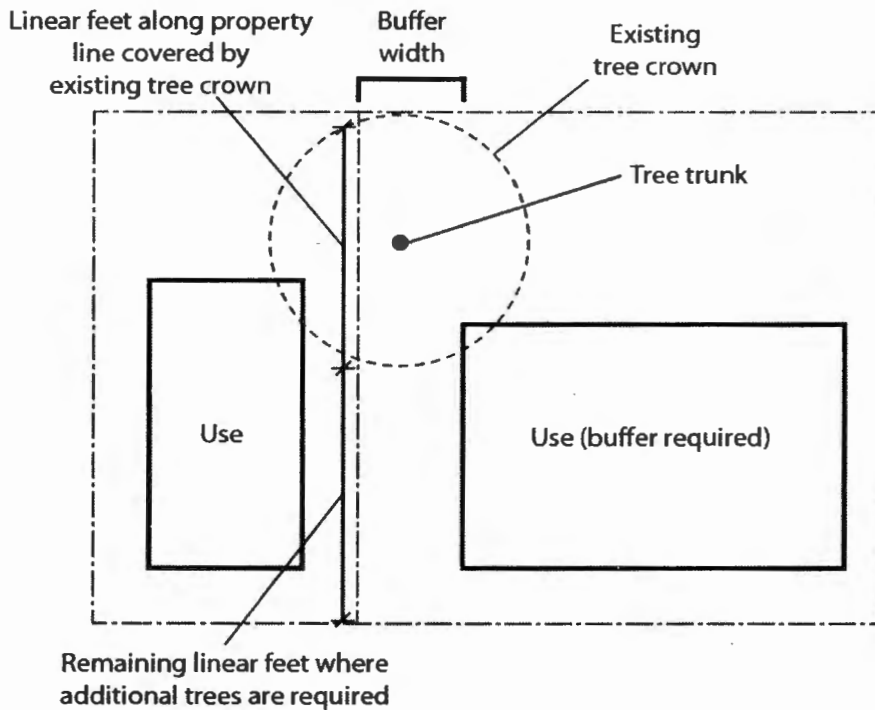
1. Existing buffering and screening: If the subject parcel or the abutting use has provided buffering and screening in compliance with this section, the buffering and screening elements already provided (such as trees, fences or walls in good condition, and plant material) buffering and screening need not be provided may count toward required buffering and screening requirements, along the abutting boundary. For existing trees:
  - a. Existing healthy trees of at least 2.5 inches in diameter breast height that meet the standards of 9.0110(E)(1) for eventual height and crown at maturity may count toward the trees required in Table 9.0110(B). They shall be protected during construction following the standards in Section 9.1015. Existing trees to be counted toward this requirement must be confirmed by a Consulting Arborist, Qualified Arborist or a Registered Consulting Arborists to be healthy trees.
  - b. If an existing tree or trees counts toward required buffer trees, the tree or trees satisfies

buffer tree requirements for the dimension specified in Table 9.0111(B) or the entire length of its crown cover along the property line, whichever is larger. To determine buffer tree requirements along the entire property line, applicants may subtract the linear feet along the property line covered by the existing tree(s) and then determine how many trees are required for the remaining linear feet, as shown in Figure 9.0110(G).

c. If an existing tree counts toward required trees is subsequently removed, it shall be replaced according to the standards in Table 9.0111(B).

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**Figure 9.0110(G) Existing Trees In Buffer**



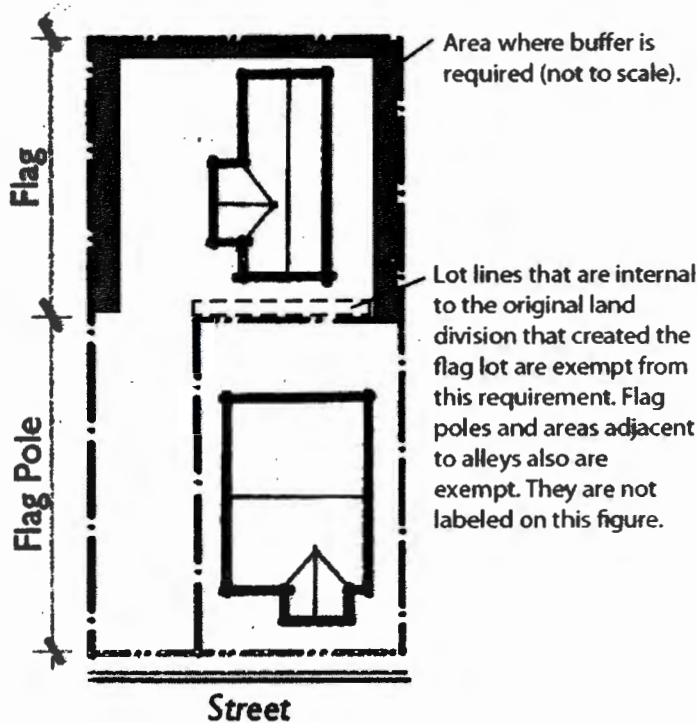
2. Solar access: Landscaping in the buffer shall be subject to the solar access requirements.
3. Alternative plan: In lieu of these buffer width, landscape and screening standards, and at his/her option, the owner may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, walks, berms and other features designed to afford the degree of desired buffering and screening. Such plans and specifications shall be submitted to the Manager for review. The alternative plan shall comply with the following standards:
  - a. For all uses except single-family detached homes, the alternative buffer plan must be prepared and stamped by a licensed Landscape Architect. Landscape plans for stormwater facilities may be designed by either a licensed Landscape Architect or a licensed Civil Engineer; and
  - b. If the alternative plan contains a buffer width narrower than required in **Table 9.0111(B)**, the applicant must demonstrate that the buffer width requirements cannot be met because the applicant desires to protect important natural features (such as a significant or major tree, wetlands, habitat) or because of constrained lot, site or physical conditions; and
  - c. The alternative buffer shall meet the intent of the buffer width, landscaping and screening standards. This includes the proper type, spacing, height, placement and location of required material, including plants, fences and walls. Related to noise, the applicant shall demonstrate that the materials used will have similar noise absorption or reflection properties, such as by providing Noise Reduction Coefficient ratings or Sound Transmission Class data for barrier materials; and
  - d. If the buffer width is proposed to be reduced, the number, selection and placement of required materials (such as plants, fences or walls) shall be enhanced to compensate for the reduction in separation to assist in achieving the buffer width, landscape and screening standard's intent.

~~An alternative plan may reduce buffer width on development sites provided buffering and screening is proposed to make up for the lack of horizontal distance and such is equivalent to in vegetation and screening or a more reasonable substitute than the standard buffer normally required.~~

- G. ~~The Manager may require a Guarantee of Completion equal to 110% of the estimated cost of meeting the buffering and screening requirements to ensure the work is completed in accordance with the approved plans and specifications.~~
- H. Development of new residential structures on flag lots shall provide a landscaped area around the perimeter of the flag portion of the flag lot. The flag pole and lot lines that are internal to the original land division that created the flag lot, or adjacent to an alley, are exempt from this requirement (See **Figure 9.0110(H)**).
  1. The landscaped area shall be at least 5 feet wide and include a 6-foot evergreen continuous hedge or 6-foot fence/wall along the property lines. The landscaped area can overlap with driveway planting strips required in **Section 4.0138(C)(6)**.
  2. For lots where the flag portion is greater than 20,000 square feet, the applicant may request to be approved at the Manager's discretion a reduction in the screening (hedge or fence) requirement to limit the fencing to areas where it will address privacy between residential developments near lot lines.



**Figure 9.0110(H) Buffers Required on Flag Lots**



**9.0111 Buffer Matrix and Requirements**

**A. Buffer Matrix (Table 9.0111(A) and (B)) Notes:**

1. Residential community services are the following noise sensitive units: public urban plazas, public neighborhood parks, public community parks, public multi-use paths, public walking/hiking trails, buildings used for religious worship, public or private elementary, high school and college schools, campground, public library, hospital, child care facilities for 17 or more, resorts, drug and alcohol treatment facility and elderly housing.
2. All other community services are considered non-residential community services for the purpose of this section. No buffer is required for bed and breakfast inns or child care facilities for up to 16 children operated by a person other than a resident of the home where the care will be given. In addition, a buffer is not required for Type I Community Services, except that a buffer shall be required for a minor utility or public facility, and for a portable classroom for an existing public or private school.
3. Manufactured dwelling park buffer and screening standards are found in Section 7.0211 of the Community Development Code.
- ~~4. For purposes of Section 9.0100 Buffering and Screening Requirements, a single family dwelling shall be considered a detached dwelling, a manufactured home, or a single family attached dwelling of up to two attached units located in any district that allows single family dwelling units.~~
4. Alternative buffer and screening standards for public trails are found in Section 8.0114(E).

**B. Buffer Width, Landscape and Screening Requirements (Table 9.0111(B)) Notes:**

1. On lots where the height transition standard of Section 9.0600 applies and an application will

result in structures within 35 feet of the property line that exceed 22 feet in height, the following standards apply:

a. If the Buffer Width, Landscape and Screening Requirements provide more than one option, only Option 1 shall be used.

b. Alternative buffer plans that reduce buffer width shall not be permitted.

**2.** Single-family attached dwellings abutting single-family detached or duplex dwellings that are part of the same development application shall only be required to provide an “A” buffer as shown in Table 9.0111(B). Single-family attached dwellings abutting existing single-family detached or duplex dwellings not part of the same development application shall provide the buffer required in Table 9.0111(A).

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Table 9.0111A – Buffer Matrix

PROPOSED USE	ABUTTING USE												
	Single-Family Dwellings*	Three or More Attached Dwellings	Office Use	Neighborhood Commercial Use	General Commercial Use	Outdoor Commercial Use	General Industrial Use	Heavy Industrial Use	Primarily Residential Mixed Use	Primarily Commercial Mixed Use	Residential Community Service	Non-Residential Community Service	Springwater Industrial Use
Single-Family Dwellings*	-	A	A	A	A	A	A	A	A	A	A	A	A
Three or More Attached Dwellings	C	-	B	C	C	D	E	E	A	C	A	C	-
Office Use	B	B	-	-	-	-	-	-	B	-	B	-	-
Neighborhood Commercial Use	C	C	-	-	-	-	-	-	C	-	C	-	-

<b>General Commercial Use</b>	G	G	-	-	-	-	-	-	G	-	G	-	-
<b>Outdoor Commercial Use</b>	D	D	-	-	-	-	-	-	D	-	D	-	-
<b>General Industrial Use</b>	E	E	-	-	-	-	-	-	E	-	E	-	-
<b>Heavy Industrial Use</b>	E	E	-	-	-	-	-	-	E	-	E	-	-
<b>Primarily Residential Mixed Use</b>	G	A	B	G	G	D	E	E	-	G	A	G	-
<b>Primarily Commercial Mixed Use</b>	G	G	-	-	-	-	-	-	G	-	G	-	-
<b>Residential Community Service</b>	G	A	B	G	G	D	E	E	A	G	-	G	-
<b>Non-Residential Community Service</b>	G	G	-	-	-	-	-	-	G	-	G	-	-
<b>Springwater Industrial Use</b>	G	G	-	-	-	-	-	-	-	-	-	-	-

<sup>2</sup> Detached or up to 2 attached single family dwellings or duplex.

{Buffer codes correspond to Buffer Combination Chart}

Table 9.0111(A) - Buffer Matrix

	ABUTTING USE									
	<u>Single-Family Detached Dwellings and Duplexes</u>	<u>Single-Family Attached Dwelling</u>	<u>Attached Dwellings on a Single Lot</u>	<u>Residential Community Service</u>	<u>Commercial</u>	<u>Non-Residential Community Service</u>	<u>Outdoor Commercial</u>	<u>Auto-Dependent Commercial</u>	<u>Industrial</u>	<u>Springwater Industrial</u>
<u>PROPOSED USE</u>										
<u>Single-Family Detached Dwellings and Duplexes</u>		A	A	A	A	A	A	A	A	A
<u>Single-Family Attached Dwellings</u>	B		B	B	C	C	D	D	E	=
<u>Attached Dwellings on a Single Lot</u>	C	B	B	A	C	C	D	D	E	=
<u>Residential Community Service</u>	C	B	A	B	C	C	D	D	E	-
<u>Commercial</u>	C	C	C	C		=	=	=	=	=
<u>Non-Residential Community Service</u>	C	C	C	C	=		=	=	=	=
<u>Outdoor Commercial</u>	D	D	D	D	=	=		=	=	=
<u>Auto-Dependent Commercial</u>	D	D	D	D	=	=	=		=	=
<u>Industrial</u>	E	E	E	E	=	=	=	=		=
<u>Springwater Industrial</u>	E	E	E	=	=	=	=	=	=	

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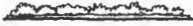


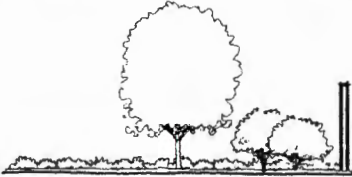
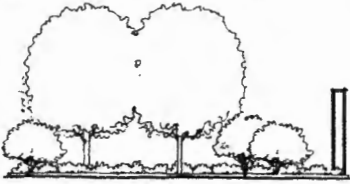
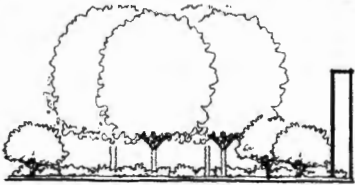
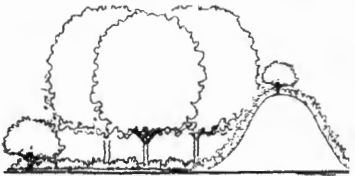
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**Table 9.0111B - Buffer Table**

		Per 100 Linear Feet			
		Width	Shade Trees	Shrubs	Fence or Wall
	A	10'	0	0	None
	B	10'	0	40	6-8' Fence
	C	20'	5	50	6-8' Fence
	D	30'	5	50	6-8' Fence
	E	40'	9	90	6-8' Wall
	F	50'	9	90	8' Wall
	G	40'	9	90	8-10' Berm

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**Table 9.0111(B)–Buffer Width, Landscape and Screening Requirements**

(See Figure 9.0111 for buffer illustrations)

<u>Landscaping Standard</u>	<u>Intent</u>	<u>Options</u>	<u>Minimum Buffer Width</u>	<u>Trees</u>	<u>Shrubs</u>	<u>Screening (continuous and site obscuring)</u>
<u>A</u> <u>general landscaping, smallest buffer width</u>	<u>The A standard is applicable where distance is the primary means of buffering. Ground cover is required. Trees and shrubs are encouraged on a voluntary basis.</u>	<u>N/A</u>	<u>10 feet</u>	<u>none</u>	<u>None</u>	<u>None</u>
<u>B</u> <u>high screen, moderate buffer width</u>	<u>The B standard is a landscape treatment that provides physical separation and uses screening to ensure visual separation between uses or development. Physical and visual separation is required.</u>	<u>Option 1</u>	<u>15 feet</u>	<u>1 per 30 linear feet</u>	<u>40 shrubs per 100 linear feet of landscaped area</u>	<u>High shrubs to form a continuous screen a minimum of 6 feet high. (Shrubs must be evergreen); or</u> <u>A minimum 6-foot fence or wall</u>
		<u>Option 2</u>	<u>10 feet</u>	<u>1 per 15 linear feet</u>	<u>40 shrubs per 100 linear feet of landscaped area</u>	<u>A minimum 8-foot fence or masonry wall</u>
<u>C</u> <u>high screen, large buffer width</u>	<u>The C standard is a landscape treatment that provides more physical separation than in the B landscape standard and uses enhanced screening to visual separation. Reduced noise transmission is desired at the ground-floor level.</u>	<u>Option 1</u>	<u>20 feet</u>	<u>1 per 25 linear feet</u>	<u>50 shrubs per 100 linear feet of landscaped area</u>	<u>Attached dwellings on a single lot: a minimum 6-foot fence</u> <u>Other uses: A minimum 6-foot masonry wall</u>
		<u>Option 2</u>	<u>15 feet</u>	<u>1 per 15 linear feet</u>	<u>50 shrubs per 100 linear feet of landscaped area</u>	<u>Attached dwellings on a single lot: a minimum 6-foot masonry wall</u> <u>Other uses: a minimum 8-foot masonry wall</u>
<u>D</u> <u>high wall, large buffer width</u>	<u>The D standard is a landscape treatment that provides more physical separation than in the B landscape standard. Physical separation is important because the uses</u>	<u>N/A</u>	<u>20 feet</u>	<u>1 per 25 linear feet</u>	<u>50 shrubs per 100 linear feet of landscaped</u>	<u>A minimum 8-foot masonry wall</u>

<u>Landscaping Standard</u>	<u>Intent</u>	<u>Options</u>	<u>Minimum Buffer Width</u>	<u>Trees</u>	<u>Shrubs</u>	<u>Screening</u> ( <u>continuous and site obscuring</u> )
	<u>involved have more outdoor and noise-producing elements. The D standard also has enhanced screening. Reduced noise transmission is desired at the ground-floor level and is even more important than in the C standard because of the potential for noise-producing activities.</u>				<u>area</u>	
<u>E</u> <u>high wall and larger buffer width</u>	<u>The E standard is a landscape treatment that provides enhanced physical separation in addition to that provided by the C and D standards because of the potential effects of industrial uses. The E standard requires extensive visual screening and reduction of noise transmission at the ground level is required.</u>	<u>N/A</u>	<u>30 feet</u>	<u>1 per 15 linear feet</u>	<u>60 shrubs per 100 linear feet of landscaped area</u>	<u>A minimum 8-foot masonry wall</u>
<u>E</u> <u>high berm and maximum buffer width</u>	<u>The F standard is intended to be used in special instances where the largest physical separation is needed and the most extensive screening of both visual impacts and reduction of noise transmission is needed to protect abutting sensitive uses.</u>	<u>N/A</u>	<u>40 feet</u>	<u>1 per 15 linear feet (trees may be placed on berm)</u>	<u>90 shrubs per 100 linear feet of landscaped area (shrubs may be placed on berm)</u>	<u>A minimum 6-foot berm</u> <u>For berms less than 8 feet, shrubs, trees or a combination of the two landscape elements must be planted at or near the top to ensure the overall 8-foot screen height</u>

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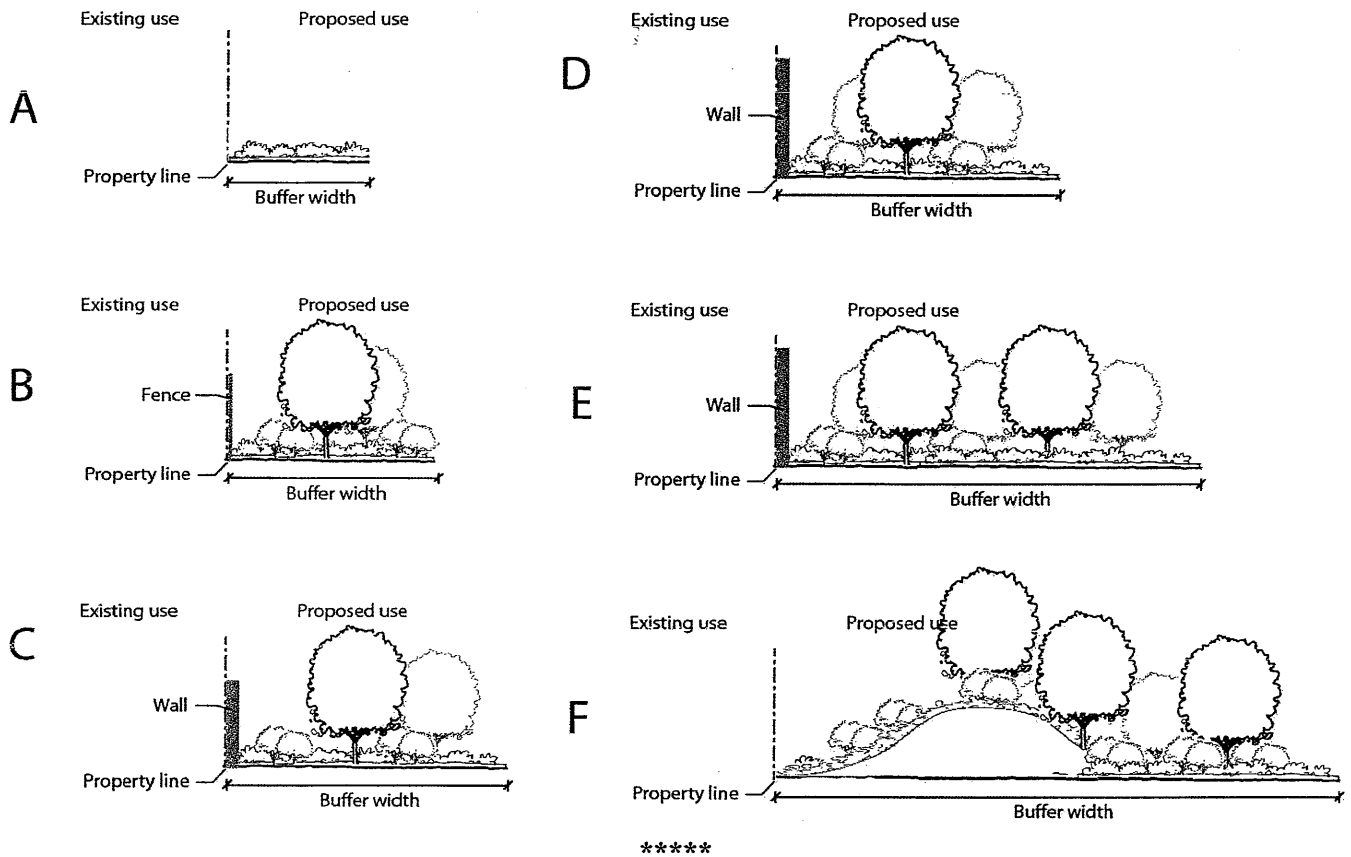
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**Figure 9.0111 Buffer Width, Landscape and Screening illustrations**



**Section 16. Volume 3, Development Code, Section 9.0400 Fencing of Article 9 Common Requirements is amended as follows:**

## General

### 9.0401 General Provisions

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence which is, or has become dangerous to the public safety, health, or welfare shall be considered a violation of this Ordinance. Link fencing shall be constructed in such a manner that no barbed ends shall be at the top. Electric fencing is prohibited. Barbed or razor wire fencing shall only be permitted when it is demonstrated to the satisfaction of the Manager, that

- A. The barbed wire fencing is necessary for enclosing livestock in any land use district.
- B. The barbed or razor wire fencing is proposed to provide added security for a non-residential use. When such wire fencing is proposed, it shall only be used above either a standard fence or wall which has a minimum height of 5 feet.

## Specific Fencing Requirements

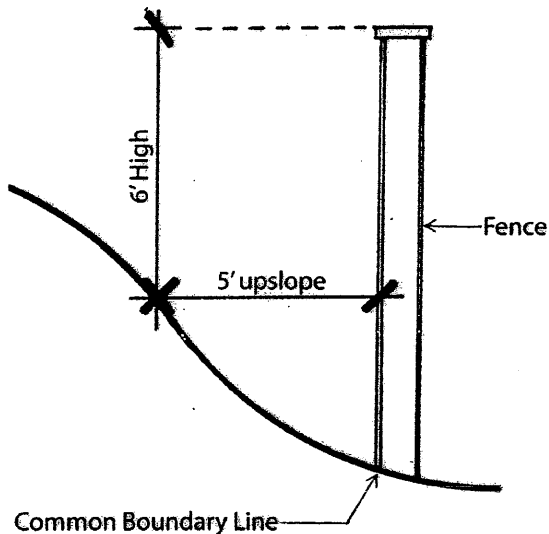
### 9.0410 Fencing of Lots

- A. For fencing in LDR-5, LDR-7, TLDR, TR, MDR-12, MDR-24 and for fencing for detached single-family dwellings, attached single-family dwellings, and duplexes in Pleasant Valley and Springwater Plan Districts the following standards apply:



1. Fencing shall not exceed 6 feet in height when measured from grade unless:
  - a. It is provided for in the Buffering and Screening requirements of Section 9.0100; or
  - b. There is a grade difference between two sites which would make a 6 foot high fence inadequate to provide for privacy. Such fence shall be no higher than 6 feet above the highest grade within 5 feet of the common boundary line (See Figure 9.0410); or
  - c. To provide added security for a non-residential use.
2. The maximum height of a fence forward (nearer the front lot line) of the minimum front yard setback shall be 4 feet.

**Figure 9.0410 Fence heights with a grade difference**



- A. Fencing shall not exceed 6 feet in height in a Residential Development District when measured from grade unless:
  1. It is provided for in the Buffering and Screening requirements of Section 9.0100; or,
  2. There is a grade difference between two sites which would make a 6 foot high fence inadequate to provide for privacy. Such fence shall be no higher than 6 feet above the highest grade within 5 feet of the common boundary line.
  3. To provide added security for a non-residential use.
- B. In the Pleasant Valley and Springwater Plan Districts for detached single-family dwellings, attached single-family dwellings, and duplexes, the maximum height of a fence along an alley lot line shall be 6 feet provided that the maximum height of sight-obscuring fencing shall be 4 feet and that above 4 feet, the fencing shall be at least 40% open.
- C. All fencing shall not conflict with the requirements of the Clear Vision Area (Refer to Section 9.0200).
- C. Special front and rear yard fence height provisions apply to lots created under the standards in effect on or after December 19, 1996 in the LDR-5, LDR-7, TLDR and TR Districts (see Section 4.0132(D)(4) and (5)).
- D. The following standards apply to fences in the LDR-5, LDR-7, TLDR and TR Districts:
  1. For new residential subdivisions and partitions, fences a minimum of 6 feet in height shall be installed on rear or side yards facing streets of higher classification than a local street (such as community, collector and arterial) and shall be of a consistent, uniform appearance for the entire length of the subdivision or partition and built to the following standards:

- a. Materials: The fence shall be constructed of:
- i. Stone, brick, stone-look cast masonry, brick-look cast masonry or stucco with an anti-graffiti sealant. These may be integral or applied as a veneer over a concrete block core. Synthetic stucco and exterior insulation finished systems are not allowed; or
  - ii. Vinyl panels mounted on vertical columns and a base made of the materials in (i) above. The base shall be at least 16 and not more than 20 inches tall; or
  - iii. Other high-quality materials proposed by the applicant and approved by the Manager. The materials shall be durable and long-lasting, such as tubular steel, architectural concrete masonry units, or ornamental/wrought iron, or materials allowed in (i) and (ii) above. Link fencing such as chain link fencing; wood fencing; and plain and split-face concrete masonry units are prohibited.
- b. Columns: Vertical columns shall be integrated into the fence and shall:
- i. Be at least 14 inches wide; and
  - ii. Set at regular intervals no more than 20 feet apart on center; and
  - iii. Project at least 3 inches from the face of the wall; and
  - iv. Include caps no greater than 6 inches in height; and;
  - v. Be constructed of a different material than the fence.
- c. Safety: Fences shall not contain jogs and angles exceeding 8 inches in depth that create potential hiding places. Jogs are allowed to avoid obstacles such as utility poles, telecommunications equipment, fire hydrants and existing trees. Fences also should comply with the clear vision area provisions of Section 9.0200. Adjustments in fence locations may be required to meet fire code standards, such as standards for clearance around fire hydrants
- d. Fence placement and landscaping: A landscape area shall be required between the sidewalk and the required fence, according to the following standards:
- i. In locations where a landscape strip at least 36 inches from curb to sidewalk exists, the fence shall be at least 4 feet from the sidewalk or at the property line, whichever is farther from the sidewalk, to allow for landscaping. The 4-foot area shall be planted with ground cover, dwarf shrubs, perennials or non-invasive, vining plants and maintained by the property owner. Turf grass is prohibited in the landscaped area.
  - ii. In locations where no landscape strip exists between the sidewalk and curb or the landscape strip is less than 36 inches from curb to sidewalk, the fence shall be at least 8 feet from the sidewalk or at the property line, whichever is farther from the sidewalk, to allow for landscaping and street trees. The 8-foot landscaped area shall be planted with required street trees, shrubs, dwarf shrubs, perennials, ground cover, or non-invasive, vining plants and maintained by the property owner. With the exception of dwarf shrubs such as boxwood, shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1 gallon size at planting.
  - iii. Fences and walls shall line up with and meet end-to-end with fences or walls on adjacent properties that meet these standards for fence location, although

exceptions may be approved by the Manager to address site conditions such as existing trees, utilities, fire hydrants and similar obstructions.

- iv. If the required fence is not sight-obscuring, the construction of other fences on the site within 15 feet of the fence on a rear lot line and 10 feet of the fence on a side lot line is prohibited. The intent is to prevent doubling-up of fences that is visible from the right of way.
- e. Timing: Fences shall be completed by the applicant prior to the City's acceptance of public infrastructure or issuance of building permits for structures on the lots (other than any required permits for the fence).
- f. Fences or walls shall be constructed such that the finished side of the fence faces the public right-of-way and any structural components (metal brackets, etc.) are positioned on the house side and away from the street side.
- g. Slopes: Fences constructed on slopes shall be installed using a stair-step method, whereby each fence panel steps up or down the slope and remains level (zero-slope) rather than parallel to the grade of the underlying terrain, unless otherwise approved by the Manager.
- h. Decorative or entrance features such as gates, arbors and trellises are allowed along fences subject to the following standards:
  - i. Maximum height: 9 feet; and
  - ii. Maximum width: 6 feet; and
  - iii. Maximum depth: 3 feet; and
  - iv. Each surface of the arbor or trellis shall be at least 50 percent open.
- i. Stormwater drainage holes are allowed on the required fence as needed to facilitate drainage.

\*\*\*\*\*

**Section 17. Volume 3, Development Code, Section 9.0600 Height Transition of Article 9 Common Requirements is amended as follows:**

## **General**

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### **9.0601 Purpose**

To reduce the visual and solar impact of the height of new buildings on residential buildings located on adjoining lots.

### **9.0602 Applicability**

~~The following standards apply to all buildings to be built on lots in the Corridor Districts, MDR-12, and MDR-24 Districts, Office/Residential, and Commercial Districts; and General Industrial and Heavy-Industrial Districts that abuts a LDR-5, LDR-7, TLDR or TR District (except as modified in Section 9.0610 below).~~

The following standards apply to buildings to be built on lots in the following districts:

- Corridor Districts: Community Commercial, Moderate Commercial, Station Center, Station Center Ruby Junction Overlay, Rockwood Town Center, Corridor Multi-Family and Corridor Mixed Use

- Moderate Density Residential-12
- Moderate Density Residential-24
- Office/Residential
- Commercial Districts: Neighborhood Commercial
- Industrial: General Industrial, Heavy Industrial
- Downtown Plan Districts

When they abut the following land-use districts:

- Low-Density Residential-5
- Low-Density Residential-7
- Transit Low-Density Residential
- Transitional Residential

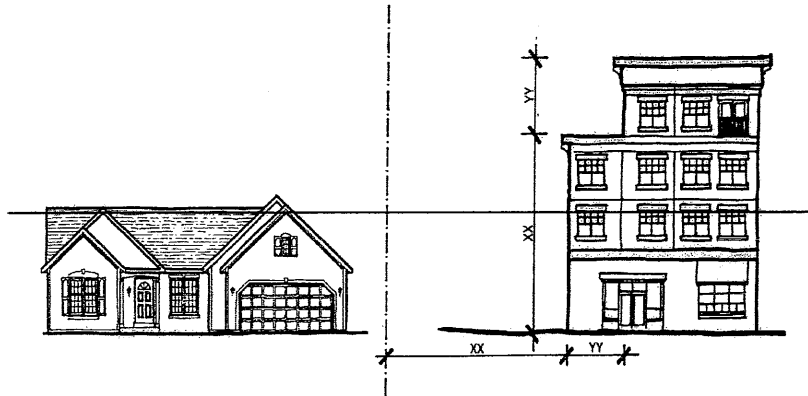
These standards do not apply in the Civic Neighborhood, Springwater and Pleasant Valley plan districts. Refer to those sections for height and height transition information.

These standards also do not apply to single-family detached homes and duplexes.

## Standards

### 9.0610 Height Transition Standards

- A.**— For every one foot of height of a portion of a proposed building one foot of horizontal distance between that portion of the building to the abutting LDR-5, LDR-7, TLDR or TR property line is required (see **Figure 9.0610A**).



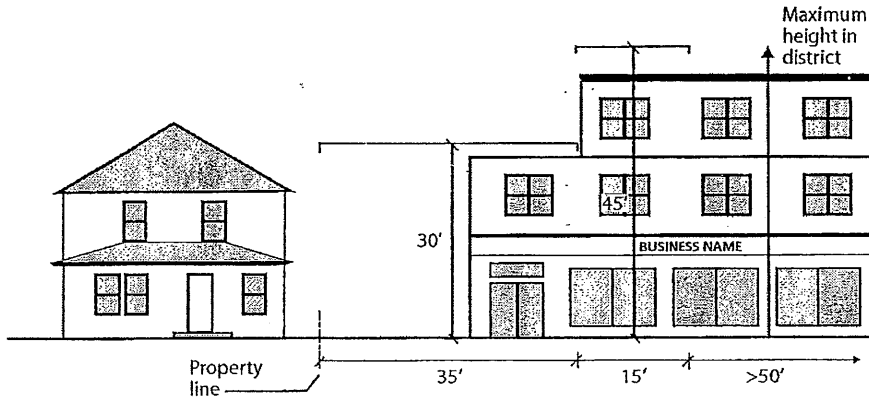
- B.**— Commercial and Industrial Districts: The standard under **9.0610(A)** applies to all buildings to be built on lots in the NC, GI and HI Districts when those lots abut any district allowing residential development.

**A.** On the applicable lots (see **Figure 9.0610(A)**):

1. On the portion of the site less than or equal to 35 feet from the lot line of a lot zoned LDR-5, LDR-7, TR or TLDR, the maximum building height shall be 30 feet.
2. On the portion of the site more than 35 feet but less than or equal to 50 feet from the lot line of a lot zoned LDR-5, LDR-7, TR or TLDR, the maximum building height shall be 45 feet.



**Figure 9.0610(A) Height transition**



**C.** Height transition standards will apply to developments of community services, single family attached housing, and duplexes within the LDR-5, LDR-7, TLDR Districts and for these uses within other districts that are adjacent to single family detached housing located in LDR-5, LDR-7 and TLDR.

**D.** The following standards apply in the TR District (see **Figure 9.0610B**):

**1.** Community Services and Duplexes: Height transition standards as described in **Section 9.0610(A)** and **9.0610(C)** will apply to developments of community services and duplexes in the TR District.

**2.** Single family attached housing:

**a.** Side yard: For single family attached housing adjacent to an LDR-5 or LDR-7 District, building height is limited to 25 feet within 35 feet of horizontal distance from a shared property line with LDR-5 or LDR-7 if the shared property line is on a side yard.

**b.** Not side yard: The height transition standards described in **9.0610(A)** and **9.0610(C)** apply if the shared property line is not a side yard.

**9.0611 Elements Allowed Within the Height Transition Area**

The required buffering and screening as well as utilities and open space areas (except that children's play areas may not be located within setbacks and buffer areas) may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area. See **Section 9.0100** for buffering and screening requirements.

\*\*\*\*\*

Section 18. Volume 3, Development Code, Appendix 5.000 Public Facilities of Article 13 Appendices is amended as follows:

**A5.500 Transportation System Description and Function**

**A5.501 Streets**

\*\*\*\*\*

F. Local Streets

The local street system is used throughout the city to provide local circulation and direct property access. It provides mobility within neighborhoods and other homogeneous land uses, and comprises the largest percentage of total street mileage.

\*\*\*\*\*

5. Minor Access Streets

This street is intended to provide public street access to lots created as part of an infill process where; a cul-de-sac turnaround is not warranted; and there is no opportunity for connection to another public street by a local street or lane.

- a. Limits: The maximum length of a minor access street shall be 150 feet. No more than six residential units can have frontage and/or access to a minor access street. No more than two residential units may be built beyond the end of the street. The maximum setback from the end of the street to the front of the building shall be pursuant to **Table 4.0130(E), Note [7][10]**.

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**APPENDIX 12.000  
RESIDENTIAL COMPATIBILITY INFILL FIGURES**

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First reading: May 17, 2011

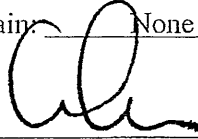
Second reading and passed: June 21, 2011

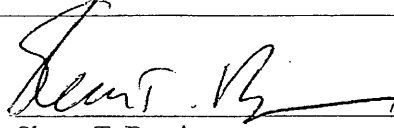
Yes: Bemis, Widmark, Fuhrer, Echols, Kilian, Stegmann

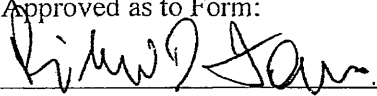
No: None

Absent: Warr-King

Abstain: None

  
\_\_\_\_\_  
Erik Kvarsten  
City Manager

  
\_\_\_\_\_  
Shane T. Bemis  
Mayor

Approved as to Form:  
  
\_\_\_\_\_  
Richard D. Faus  
Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO ) Order No. 630  
VOLUME 3, DEVELOPMENT CODE, OF THE )  
GRESHAM COMMUNITY DEVELOPMENT ) CPA 09-018  
PLAN, REGARDING THE RESIDENTIAL )  
DISTRICTS REVIEW-COMPATIBILITY PROJECT )

On May 17, 2011, the City Council held a public hearing to take testimony on amendments to Volume 3 of the Gresham Community Development Plan as it relates to the Residential Districts Review-Compatibility Project.

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

The Council closed the public hearing at the May 17, 2011 meeting, and a final decision was made at the June 21, 2011 meeting.

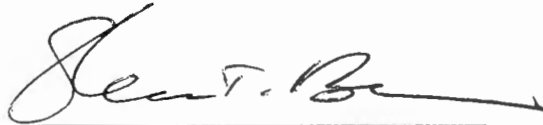
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: June 21, 2011



Erik Kvarsten  
City Manager



Shane T. Bemis  
Mayor

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

**TYPE IV RECOMMENDATION ORDER**

**CPA 09-018**

A Type IV Legislative Public Hearing was held on April 11, 2011 to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding the **Residential Districts Review – Compatibility** project.

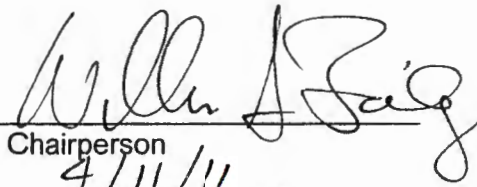
The Planning Commission closed the public hearing at the April 11, 2011 meeting, and a final recommendation was made at the April 11, 2011 meeting.

William Bailey, Chair, 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 amendments to the Gresham Development Code regarding Residential Districts Review Compatibility with the following changes:

**As documented on Page 2 of this Recommendation Order**

  
\_\_\_\_\_  
Chairperson  
4/11/11  
\_\_\_\_\_  
Date



Change 4.0138(D)(2)(a)(1)(D) to read:

D. When the shared property line is:

1. The side lot line for both lots and the existing single-family detached dwelling or duplex on the lot is within 15 feet of the shared property line between its lot and the lot with the new construction or expansion; or
2. The rear lot line of the lot with the existing single-family detached dwelling or duplex and the side lot line of the lot with the proposed development and the existing single-family detached dwelling or duplex on the lot is within 30 feet of the shared property line; and



## MEMORANDUM

### URBAN DESIGN & PLANNING

#### STAFF REPORT

#### TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT RESIDENTIAL DISTRICTS REVIEW-COMPATIBILITY PROJECT

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Interim Urban Design & Planning Director  
Brian Martin, AICP, Associate Planner

Hearing Date: April 11, 2011

Report Date: March 31, 2011

File: CPA 09-018

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Residential Districts Review-Compatibility project, including revising requirements regarding the scale and massing of new residential development adjacent to low-scale residential development; flag lot standards; buffering and screening standards; height transition standards; fencing standards for subdivisions along busy streets; the review process for small lots in Low-Density Residential-5; and other Code improvements and clarifications.

Exhibits: 'A' -- Draft Amendments to Volume 3, Gresham Community Development Code

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

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## SECTION I

### EXECUTIVE SUMMARY

#### Background

The project is on the 2011 Council Work Plan continuing from 2010. It is the final component of the Residential Districts Review (RDR) project begun in 2008. The RDR-Compatibility project has assessed compatibility issues in Gresham involving residential development, developed alternative ways to address the issues, selected preferred approaches and developed draft Code amendments to implement the approaches. The amendments:

- Reflect City Development Plan policies, including those regarding housing.
- Incorporate public safety needs and Crime Prevention through Environmental Design.
- Enhance the community's sustainability.
- Incorporate best practices and new ideas regarding compatibility where appropriate.
- Reflect a creative public process that involved various stakeholders and incorporates their ideas.

The project addressed the following residential compatibility issues:

- **Building scale and massing:** Some have expressed concern that new homes built inside existing neighborhoods are not compatible in scale (height) or massing (three-dimensional bulk and location of buildings on the lot).
- **Transitions:** Transition issues often occur when land-use intensities change, such as commercial land uses adjacent to single-family homes. Abrupt transitions can provoke concerns about architectural incompatibility, noise, and a perceived loss of privacy. In addition, the current height transition limits development potential on the entire lot rather than just near the lot line.
- **Flag lots:** These are lots created behind other homes and connected to the street by a long driveway. They generate concerns regarding setbacks, privacy and pedestrian access to the flag lot home.
- **Buffering and screening:** Issues include defining what current buffering and screening requirements are intending to accomplish, a lack of criteria for reviewing alternative buffer proposals, and the appropriateness of existing buffer requirements.
- **Fencing:** In some cases, fences at the edges of subdivisions along streets lack a uniform appearance and are not well maintained.
- **Review process for lots less than 6,000 square feet:** The Development Code currently requires subdivisions in LDR-5 that include any lots less than 6,000 square feet to go through the Planned Development process. The regular subdivision process may be appropriate for these lots.

The project included an extensive public outreach effort, including:

- Issues identification: Aug. 26, 2009, community forum
- Alternatives evaluation: Oct. 20, 2009, community forum

- Preferred approach review: Open houses on Oct. 14, Nov. 10 and Nov. 18, 2010. Community forum on Dec. 9, 2010. Interviews with developers and appearances before the Gresham Coalition of Neighborhoods and the Kelly Creek Neighborhood Association.
- Draft code review: Feb. 15, 2011, community forum.

It also included several presentations to the Planning Commission and City Council.

## **Proposed Comprehensive Plan Amendment Overview**

### Scale & Massing

For new developments abutting lots with 1-story older homes in Gresham's lower-density districts, the amendments would require applicants to comply with a compatibility angle that limits the volume of the building, basically allowing full volume for two stories but limiting the square footage of the third story. (See Section 4.0138(D).)

### Flag Lots

The amendments provide a variety of standards to enhance flag lot compatibility with surrounding homes (Section 4.0138 (C)). They:

- Require a uniform 10-foot minimum building setback around the flag portion of the lot. The current Code requires 5-foot setbacks on the side lot lines and 15-foot setbacks on the rear, so some neighbors see a new flag lot house close to the property line and others see more distance between the lot line and the new house. This amendment ensures all buildings are at least 10 feet from shared property lines.
- Institute a height limit for flag lot structures that limits the structures to two stories. The height limit for flat roofs would be 22 feet, although structures with pitched roofs would be allowed to reach a height of 30 feet.
- Require a 5-foot buffer and screening. The screening must be either shrubs that create a 6-foot high vegetative screen or a 6-foot fence and/or wall on the flag portion of the lot.
- Clarify that the requirement that there must be a separate walkway from the street to the front door of a house does not apply to a flag lot house.

### Height Transitions

The amendments modify the current height transition standard to address transitions near the property line. The current code applies where intensity is changing at land-use district edges, such as when a district that allows multi-family or commercial development is adjacent to a district that allows mostly low-density residential. It requires development on the entire site to be 1 foot away from the property line for each foot in building height. (Section 9.0600.)

The amendments limit height limits to areas within 50 feet of the property line, allowing the rest of the site to develop up to the maximum height allowed. On lots in the more intense land-use districts, building heights would be limited to 30 feet for the first 35 feet from the property line and 45 feet for the next 15 feet from the property line before allowing the land-use district's maximum allowed height.

### Buffering and Screening

The Development Code currently requires landscape buffering and screening between abutting uses of different intensities, such as between a commercial use and a single-family house. A buffer matrix specifies the buffer width and the landscape and screening elements that are required depending on the uses that are next to each other. The Code also currently allows alternatives to the buffering and screening specified in the matrix. The amendments clarify the buffering, screening and landscaping requirements, especially as they regard residential compatibility. (Section 9.0110, including Table 9.0111(A) - Buffer Matrix and Table 9.0111(B) – Buffer Width, Landscape and Screening Requirements)



Changes include:

- Adding intent statements stating what the buffering and screening requirements are intended to accomplish.
- Adding standards by which alternative buffer proposals are reviewed. The standards require that:
  - Professionals must develop the alternative buffer plan.
  - Applicants proposing to narrow buffer width must demonstrate the buffer width requirements cannot be met because of site constraints and must enhance landscaping.
  - The alternative buffer plans meet the intent of the buffer standard.
- Updating buffer standards such as revised buffer widths and tree, shrub and screening requirements to match the intent statements. Changes include:
  - Providing options for complying with some buffer standards. In some cases, an option with a narrower buffer width would be included to add flexibility for applicants and reduce use of the more discretionary alternative buffer process. When narrower buffer widths are allowed, additional landscaping, trees and/or screening are required.
  - Requiring masonry walls between commercial and residential developments to assist with blocking noise transmission at the ground level.
- Revising use categories in the buffer matrix to make them consistent with other use tables in the Development Code.
- Requiring mixed-use developments to provide the buffer required for their most intense use (instead of the buffer matrix having a category for mixed use).
- Allowing buffer widths and minimum building setbacks to overlap.
- Limiting situations where buffers are required across streets to industrial and larger commercial developments.
- Allowing evergreen as well as deciduous trees in buffers.
- Providing planting specifications and maintenance requirements.
- Adding requirements for multi-family developments to provide buffers when adjacent to other multi-family developments.

#### Fences at the Edges of Subdivisions

The amendments would apply to subdivisions that back up to non-local streets (such as community, collector and arterial streets). Standards would include (Section 9.0400):

- Fences/walls along a busy street would be required to have a uniform and consistent appearance for the subdivision or partition.
- Fences/walls would have to comply with materials standards or propose an alternative material for the fence/wall along the street.
- Landscaping would be required between the fence/wall and the sidewalk.
- Decorative elements such as gates and arbors would be allowed to exceed fence height limits.

#### Review Process for Lots Less Than 6,000 Square Feet in LDR-5

The amendments would remove the Planned Development requirement for lots less than 6,000 square feet in LDR-5. Lots of less than 6,000 square feet will be reviewed using the same process as other subdivisions in the City. (Table 4.0130.)

The Planned Development section would remain as an option rather than a requirement. It provides an alternative designed to allow subdivisions that encourage conservation of natural features, efficient use of land and public services (particularly but not limited to situations where the existence of slopes, drainageways, or other natural features may preclude traditional subdivision design), and the creation of public and private common open space.

### Other Amendments

The amendments also address the following technical or "Code cleanup" issues by:

- Rewriting the definition of "Net Density" and adding definitions for "Density" and "Density Rounding" to make the existing definition more clear and clarify how density is handled in different districts.
- Clarifying how density calculations are completed in a project that has multiple phases.
- Deleting standards related to "average density" because the calculation for "average density" was removed from the Code in 2006.
- Deleting outdated references to the perimeter lot size compatibility standard which has been removed from the Code.
- Inserting a deleted footnote regarding setbacks from minor access streets.
- Implementing state law regarding when new land-use regulations apply to existing subdivisions and how the City will consider approving lots that were not lawfully created.
- Updating the Safe Neighborhood Design Performance Standards and making them more consistent throughout the Code.

### **Staff Report Organization**

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles and Statewide Planning Goals that apply to the proposal.
- Section V identifies applicable 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 IV:
  - 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.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.

## SECTION II

### APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

Section 4.1000	Plan Districts
Section 11.0201	Initiation of an Application
Section 11.0203	Classification of Applications by Procedure
Section 11.0204	Review Authorities
Section 11.0600	Type IV Legislative Procedures
Section 11.1000	Public Hearings

## SECTION III

### APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.314	Downtown Area Development
Section 10.318	Gresham Civic Neighborhood
Section 10.413	Community Design
Section 10.600	Housing
Section 10.700	Pleasant Valley Plan District
Section 10.800	Springwater Plan District

## SECTION IV

### APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 1	Requirements for Housing and Employment Accommodation
Title 8	Compliance Procedures

## SECTION V

### 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 as indicated in the following findings.

#### A. Community Development Code Procedures

1. **Section 4.1000 – Plan Districts.** This section provides that a Plan District can be amended through a Type IV legislative procedure. These Community Development Plan amendments will be completed using a Type IV legislative procedure. They amend the Pleasant Valley, Springwater, Downtown, Civic Neighborhood and Gresham Butte Plan Districts by:

1. Pleasant Valley: Clarifying that density refers to units per net acreage and referring Code users to the definition of net acreage. Updating the Section 4.1411 Safe Neighborhood Design Performance Standards to add standards related to dwelling fronts being visible from the street and update standards regarding street pedestrian connections to enhance public safety and ease of access to homes. These provisions were inadvertently left out of the Pleasant Valley Plan District when it was enacted. Adding them makes Pleasant Valley consistent with the Safe Neighborhood Design Performance Standards that apply to the rest of the City. Also, fencing standards in Section 4.1411 were deleted and moved to Section 9.0400.
2. Springwater: Clarifying that density refers to units per net acreage and referring Code users to the definition of net acreage. Updating Section 4.1510 Safe Neighborhood Design Performance Standards to add standards related to dwelling fronts being visible from the street and update standards regarding street pedestrian connections to enhance public safety and ease of access to homes. These provisions were inadvertently left out of the Springwater Plan District when it was enacted. Adding them makes Springwater consistent with the Safe Neighborhood Design Performance Standards that apply to the rest of the City. Also, fencing standards in Section 4.1510 were deleted and moved to Section 9.0400.
3. Civic Neighborhood: Updating Section 4.1210 through 4.1213 and Table 4.1230 to clarify that density refers to units per net acre and to refer Code users to the definition of net acreage.
4. Downtown: Updating Table 4.1130 to clarify that density refers to net density.
5. Gresham Butte: Clarifying that the underlying land-use district for Gresham Butte is Low-Density Residential-5.

Section 4.1000 requires amendments to plan districts to meet the following criteria (the criteria are followed by findings and conclusions):

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

#### Findings

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

#### Conclusions

The plan districts have been previously established as consistent with this section or were established prior to this section and the amending of the plan districts is consistent with the subsection and the applicable provisions of 4.1000.

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

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



2. *Existing development districts and standards applying in the area are inadequate to achieve goals and implementation strategies of the Community Development Code, or to address an identified problem in the area.*
3. *The proposed Plan District designation is the result of a study or plan which documents the special characteristics of the study area and includes measures to address the relevant issues.*
4. *Any proposed policies, procedures, development standards, or other measures to be implemented are in conformance with the purposes, findings and recommendations of the study or plan which serves as the basis for the Plan District.*
5. *The Plan District designation, and related policies, procedures, standards, and other measures are consistent with applicable policies and implementation strategies of the Community Development Code, and with any applicable locational criteria identified in the Community Development Code.*

### Findings

The proposal for amending the plan districts is being processed under the Type IV legislative procedure.

1. The areas to be added have special characteristics that are not common to the rest of the City. Findings to support this were included in the original approval of these districts.
2. The Code in the Downtown, Civic Neighborhood, Pleasant Valley and Springwater plan districts are unclear as to how density is calculated, making the standards confusing. This provides an obstacle to development of these districts and interferes with the goals regarding housing in these districts. The Code in these plan districts also included insufficient standards to ensure the quality and safety of housing called for in the plan districts. The Gresham Butte Plan District's reference to "underlying zoning district" was unclear, in part because the Gresham Community Development Plan Map shows the area as the Gresham Butte Plan District overlay but does not show which land-use district it is in. The Gresham Butte area was in the Low-Density Residential district, which is now Low-Density Residential-5. The lack of clarity in the Gresham Butte Plan District is an obstacle to achieving the housing goals and policies in Gresham Butte.
3. The proposed plan district designations are not changing. Findings related to the studies or plans that documented the special characteristics of the study areas were included in the original approval and subsequent amendments and are found in Community Development Plan Volume I: Findings and Volume II: Policies.
4. The proposed amendments are consistent with the goals and policies for each plan district, as described below in Section B: Community Development Plan Goals and Policies.
5. The plan district designations and related policies, standards, procedures and other measures were determined consistent with applicable policies and implementation strategies in the Community Development Plan at the time of the plan districts original establishment and in subsequent revisions. The minor changes in standards that are part of these amendments are consistent with the policies for each plan district, as described in Section B: Community Development Plan Goals and Policies.

### Conclusions

The process for approving these proposed amendments is consistent with the requirements.

1. The findings have established that the areas have special characteristics. The proposal is consistent with this subsection.
2. The proposed amendments address standards that are unclear or incomplete and present obstacles to implementing the plan districts. The proposal is consistent with this subsection.

3. The amendments are consistent with the plan districts' plans or studies. This proposal is consistent with this subsection.

4. The proposed amendments are consistent with this subsection.

5. Based on findings and conclusions in this staff report and in the original plan district approvals, the proposal is consistent with this subsection.

**2. Section 11.0201 – Initiation.** This section provides that only the City Council may initiate a Type IV legislative application to amend the text of the map or Code of the Gresham Community Development Plan. This project was initiated by the City Council when they adopted the 2010 and 2011 Council Work Plans, which included this Residential Districts Review-Compatibility project. The 2011 Council Work Plan was approved on Feb. 1, 2011.

**3. Sections 11.0203 and 11.204 – Classification of Applications.** These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that it generally applies to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a recommendation on the amendments and the City Council be the decision-making authority. This project meets those conditions, is being processed under the Type IV procedures and will be heard by the City Council.

**4. Section 11.0600 – Type IV Legislative Procedures.** For a Type IV Comprehensive Plan Amendment this section requires a submittal to the Department of Land Conservation and Development at least 45 days prior to the Planning Commission hearing. This submittal was made on Feb. 23, 2011, which is at least 45 days prior to the Planning Commission hearing date of April 11, 2011. This section also requires a notice to property owners when amendments may affect the permissive uses of the property to be sent not more than 40 days nor less than 20 days prior to the Planning Commission hearing. This notice was not required in this case because the amendments do not affect the permissive uses of the property. This section also 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.

This section also requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. 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 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.

**5. Section 11.1000 - Public Hearings.** The section provides for a hearing process consistent with Section 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal.

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

*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 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules and regional requirements.*

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

#### Findings

The proposed amendments are part of the Residential Districts Review-Compatibility 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 retain the existing land-use districts and their boundaries and limit changes to compatibility measures within those districts. The districts allow a variety of needed housing types, including single-family residential, duplexes, townhomes, and apartments/condominiums. The amendments do not alter Gresham's compliance with state requirements regarding providing needed housing or Metro's regional requirements regarding the amount of density and housing units available in Gresham.

The proposed amendments address compatibility among uses, including issues regarding scale and massing of proposed buildings; buffering and screening requirements between uses of different intensities; and height transitions between uses of different intensities. The proposed amendments are part of Gresham's efforts to periodically review and update its Comprehensive Plan text to reflect community needs and updated circumstances.

The Gresham City Council signaled the legislative intent for this project through adoption of the 2010 Council Work Plan and the 2011 Council Work Plan. The 2011 Council Work plan was adopted on Feb. 1, 2011.

#### Conclusions

The proposed amendments provide an update to the City of Gresham's Development Code, which is part of the City's Comprehensive Plan and implements the City's land-use regulations. The updates are consistent with state and regional requirements, as described in the following findings.

Policy 9 is addressed in the proposal amendments by revising or adding standards regarding scale and massing of proposed buildings; buffering and screening requirements between uses of different intensities; height transitions between uses of different intensities and other compatibility issues.

Policy 20: The amendments address this policy by providing code changes that are responsive to community needs because they were developed to address the need for additional residential compatibility. The public and elected and appointment officials also were provided with research and analysis concerning residential issues at the beginning of the project, were consulted about alternative approaches to addressing those issues, and were able to review and comment on the preferred approaches and draft code changes.

Policy 21 is addressed because the City Council initiated these amendments.

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

## **2. Citizen Involvement Goals & Policies**

### Section 10.100 - Citizen Involvement

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

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

*Policy 5: The City shall keep citizens informed of issues confronting the City.*

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

*Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted 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 public involvement goals and policies establish the City's intent that its citizens have meaningful opportunities throughout a planning project to be informed and to affect proposals.

The issues that have led to the proposed code amendments were identified during the Community Land Use Task Force in 2004-05, during project scoping in December 2007 and January 2008, and during public outreach in August and October 2009. Public outreach opportunities occurred in each phase of the project and included:

- Issues identification: Aug. 26, 2009, community forum
- Alternatives evaluation: Oct. 20, 2009, community forum
- Preferred approach review: Open houses on Oct. 14, Nov. 10 and Nov. 18, 2010. Community forum on Dec. 9, 2010.



- Interviews with developers: Fall 2010.
- Gresham Coalition of Neighborhoods meeting: Jan. 20, 2011
- Kelly Creek Neighborhood Association: Jan. 26, 2011
- Draft code review: Feb. 15, 2011, community forum.
- City staff prepared public input summaries on three occasions and delivered them to participants on an "interested parties" list.
- The Ask Gresham email tool was used to alert interested parties when new materials were available on the website and when upcoming meetings will occur.
- Project information, including analysis and alternative documents, has been available on the City's website and at the Urban Design & Planning office.
- Articles on the project have been published in the Neighborhood Connections newsletter, Gresham newsletter and the Council Connections.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on Aug. 10 and Oct. 26, 2009, and Jan. 24 and March 14, 2011.

### Conclusions

The Citizen Involvement Goal and all citizen involvement policies were addressed through the extensive public outreach efforts. This included community forums, email notices, open house events, interviews and presentations at the Planning Commission and City Council.

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

### **3. Design Standards for Single Family Attached Dwellings**

*Policy 2: Single family attached dwellings should fit into the context of existing neighborhoods, especially in terms of scale and existing land use patterns; especially important is to create residential neighborhoods with multi-modal transportation connections and opportunities for social interaction.*

*Policy 4: New single family attached dwellings should minimize shadow, blocked views and the potential for "overlook" onto or from adjacent properties, especially existing neighborhoods.*

### Findings

Several amendments provide standards that encourage single-family attached structures to fit into the context of existing neighborhoods. The scale and massing provisions include a compatibility angle that reduces the volume of such structures when they are adjacent to 1-story single-family detached homes. Updated buffer standards require adequate landscaping and screening between single-family attached homes and abutting single-family detached development. Height transition standards ensure appropriate height transitions for single-family attached housing in intensely zoned districts adjacent to low-intensity districts (such as those that allow single-family detached development).

For example, the compatibility angle may require that the end unit of a row of 3-story townhomes would have to be 2 stories, which will more likely match the scale of adjacent single-family detached dwellings. The shorter end building will cast shorter shadows and block fewer views.

### Conclusions

- Policy 1 and 2 are addressed through a variety of compatibility standards in the amendments and other provisions in the existing Development Code.

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

#### **4. Design Standards for Commercial Development in the Corridor Design District**

*Policy 2: Commercial developments should appropriately respond and relate to their surroundings, especially public streets, open spaces and recreation areas.*

*Policy 4: Commercial development should be thoughtfully and aesthetically designed with regard to site and building design.*

##### Findings

The amendments include revised buffering and screening requirements that require commercial developments to provide physical distance and landscaping and screening elements when they abut a variety of uses. The buffer standards include requirements for trees, shrubs and solid walls. These requirements address blocking views and noise as well as improving the appearance of an area.

The amendments also include a revised height transition standard that requires commercial developments in certain districts to comply with lower height standards near shared property lines with low-density districts.

##### Conclusions

Policy 2 is addressed through standards that vary according to the adjacent use and ensure commercial developments respond to surrounding land uses.

Policy 4 is addressed through buffer and height transition standards that require thoughtful site design that reduces effects on adjacent property owners.

#### **5. Housing**

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

*Policy 5: The City shall require multi-family and other attached housing development to conform to community design and development standards.*

*Policy 9: The City shall require measures to mitigate adverse impacts from differing adjacent land uses (noise, traffic, visual aesthetics and glare from outdoor lighting, etc.) on residents of new residential development. The City shall require measures to mitigate negative impacts of more intense residential projects on less dense neighborhoods and established residential development through means such as:*

- a. Orderly transitions from one residential density to another such as lot-size compatibility standards,*
- b. Protection of existing vegetation and natural resources, provision of open space, and*
- c. Installation of effective buffering and screening.*

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

*Policy 14: The City's land use program shall be consistent with applicable state and federal laws pertaining to housing.*

##### Findings

By focusing on compatibility between existing and new development, the amendments protect existing residential neighborhoods by controlling infill and set the stage for higher quality new neighborhoods in the future.

Existing and new neighborhoods are protected in the following ways:

- Houses will fit in better: The scale and massing standards will ensure that houses are more similar by limiting the volume of new homes next to 1-story existing homes. This applies to infill houses inside existing neighborhoods and houses developed as part of large subdivisions that are adjacent to existing subdivisions.
- Flag-lot effects are reduced: The amendments require flag lots to be developed with shorter homes, adequate space between the new homes and the lot lines and screening between the new flag lot home and adjacent homes.
- Transitions modified: Height transition standards were modified so apartments and commercial buildings adjacent to single-family detached neighborhoods will "step down" in height as they near the single-family detached neighborhoods.
- Buffering and screening updated: The amendments revise buffering and screening requirements to ensure the intent of the standards are clear and are achieved by the requirements. They also enhance screening between uses that are anticipated to have more impacts on adjacent homes.

New neighborhoods' quality also is enhanced with the amendments because they require uniform fencing along busy streets at the edges of subdivisions. This will provide a more consistent, higher quality appearance.

The City's land-use policies have been found to be consistent with state and federal laws pertaining to housing.

### Conclusions

Policy 1 is addressed through all the residential compatibility amendments.

Policy 5 is addressed through standards that apply to multi-family development, such as buffering and screening requirements and height transition standards.

Policy 9 is addressed through amendments dealing with buffering and screening requirements and height transition standards that provide orderly transitions among uses and modify buffering and screening standards.

Policy 10 is met through compatibility standards regarding scale and massing, flag lots and buffering and screening requirements.

Policy 14 is met because the City has been found in compliance in the past and the amendments remain consistent with state and federal regulations.

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

## **6. Downtown**

*Land Use Policy 2: Designate areas for medium and high-density residential development that will provide a variety of housing types for people of all income levels and that will support a vibrant shopping district. Allow the highest densities of housing near the Downtown core and the MAX line.*

### Findings

The Downtown Plan District contains designated areas for medium and high-density residential development. The amendments support the implementation of those areas by making the density standards clearer.

### Conclusions

Policy 2 is met through amendments resulting in clear and objective density standards.

## **7. Civic Neighborhood**

*Policy: It is the City's policy to create on the Gresham Civic Neighborhood Site a mixed-use, transit-oriented urban environment with a strong civic presence, accommodating some of the highest intensities of residential and commercial uses in Gresham.*

### Findings

The Civic Neighborhood standards accommodate high intensity residential uses. The amendments make the density standards clearer.

### Conclusions

The policy is met through amendments that result in clear and objective density standards.

## **8. Gresham Butte**

*Gresham Butte falls under the City's housing policies, including.*

*Policy 8: The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions, including existing land-use patterns, topography, transportation and public facilities, natural hazards and natural resources.*

### Findings

The amendments are clarifying, not changing, the land-use district that applies in the Gresham Butte area. The Low-Density Residential-5 land-use district and the overlay elements of the Gresham Butte Plan District combine to provide a low-density development area that responds to the characteristics of the area, which are a neighborhood on a butte with natural resources, steep slopes and limited transportation connections to the rest of the city.

### Conclusions

The policy is met in current land-use district and Plan District standards, which are clarified with the proposed amendments.

## **9. Pleasant Valley Plan District**

*Residential Land Use/Neighborhoods Policy 4: Pleasant Valley neighborhoods will be designed to increase transportation options. Neighborhoods shall be bike and walking friendly, especially so that children can travel safely. Neighborhoods shall be designed with transit in mind. A transit stop(s) should be located within walking distance of a neighborhood.*

*Residential Land Use/Neighborhoods Policy 5: Pleasant Valley will support a compact, mixed-use urban form, increase accessibility for walking and biking and be transit supportive. Attached housing should take a nodal form as opposed to a transit street lined with apartments.*

### Findings

The proposed amendments clarify that density refers to units per net acreage and refers Code users to the definition of net acreage. This helps implement policies related to housing.

Proposed amendments also update Section 4.1411 Safe Neighborhood Design Performance Standards to add standards related to dwelling fronts being visible from the street and update standards regarding street pedestrian connections to enhance public safety and ease of access to homes. These provisions were inadvertently left out of the Pleasant Valley Plan District when it was enacted. Adding them makes Pleasant Valley consistent with the Safe Neighborhood Design Performance Standards that apply to the



rest of the city. Also, the amendments delete fencing standards from Section 4.1411 and move them to Section 9.0400.

Updating the Safe Neighborhood Design Performance Standards also improve the walkability and safety of Pleasant Valley neighborhoods by increasing surveillance of the public realm from homes and enhancing pedestrian connections to homes.

#### Conclusions

The policies regarding residential development and walkability are met with the proposed amendments, which improve the safety and connectivity of pedestrian connections and clarify the density of residential developments.

### **10. Springwater Plan District**

*Economic Development Policy 9: Create a high-quality village as well as high-quality neighborhoods with a mix of housing options to help foster industrial opportunities.*

*Livability Policy 2: Promote a high standard for development practices. Promote developments and buildings that are pedestrian-friendly.*

#### Findings

The proposed amendments clarify that density refers to units per net acreage and refers Code users to the definition of net acreage. This helps implement policies related to housing.

Proposed amendments also update Section 4.1510 Safe Neighborhood Design Performance Standards to add standards related to dwelling fronts being visible from the street and update standards regarding street pedestrian connections to enhance public safety and ease of access to homes. These provisions were inadvertently left out of the Springwater Plan District when it was enacted. Adding them makes Springwater consistent with the Safe Neighborhood Design Performance Standards that apply to the rest of the city. Also, the amendments delete fencing standards in Section 4.1510 and move them to Section 9.0400.

Updating the Safe Neighborhood Design Performance Standards also improve the walkability and safety of Springwater neighborhoods by increasing surveillance of the public realm from homes and enhancing pedestrian connections to homes. The proposed amendments also improve the quality of homes by requiring windows and doors that face the street.

#### Conclusions

The policies regarding residential development, quality and walkability are met with the proposed amendments, which improve the safety and connectivity of pedestrian connections, clarify the density of residential developments, and improve residential quality.

### **C. Metro Urban Growth Management Functional Plan**

#### **Title 1 Requirements for Housing and Employment Accommodation**

##### Findings

Title 1 requires the City adopt a minimum dwelling unit density for each land-use district and allows the City to reduce the minimum zoned capacity under certain circumstances.

The title also requires the City to allow at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. Reasonable regulations regarding site and building design can be implemented for these accessory dwelling units.

The proposed amendments do not reduce the minimum zoned capacity. They also leave in place City standards that allow accessory dwellings.



## Conclusion

Gresham is in compliance with Title 1.

## **Title 8 Compliance Procedures**

### Findings

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

The City submitted the proposed amendments to Metro on Feb. 23, 2011, which was at least 45 days prior to the first evidentiary hearing of April 11, 2011. Metro has not contacted the City regarding this notice.

### Conclusion

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

## **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.

**Oregon Administrative Rule 660-007-0030: New Construction Mix** requires that the City "provide the opportunity for at least 50 percent of new residential units to be attached single-family housing or multiple-family housing." The proposed amendments would reduce not Gresham's housing capacity or change the potential mix of detached and attached housing.

**Oregon Administrative Rule 660-007-0045: Minimum Residential Density Allocation for New Construction** requires that the City "provide for an overall density of ten or more dwelling units per net buildable acre." The City's Development Code currently provides for this level of density, and the proposed amendments would not change the minimum density required.

### Conclusion

The proposed amendments comply with Statewide Planning Goal 10 and applicable Oregon Administrative Rules.

## SECTION VII

### CONCLUSION

The proposed comprehensive plan amendments attached as Exhibit 'A' are consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; Applicable Metro UGMFP code, and 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 to the City Council as contained in the attached Exhibit 'A'.

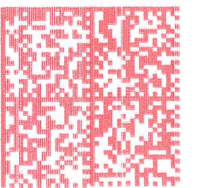
*End of Staff Report*



CITY OF GRESHAM  
DEPARTMENT SERVICES  
TRAINING SERVICES  
EASTMAN PARKWAY  
GRESHAM, OR 97030

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

FIRST CLASS



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