

STAFF REPORT
Plan Map Amendment: 610 SE Williams Road

HEARING DATE: September 12, 2022

REPORT DATE: August 29, 2022

TO: Gresham Planning Commission

FROM: Tabitha Boschetti, AICP, Planner 2

FILE NUMBER: PMA 22-00460

PROPOSAL: The proposal is for a Plan Map Amendment to resolve a split-zone situation by changing a 0.3-acre portion of a lot of record at 610 SE Williams from Low Density Residential-7 (LDR-7) to Low Density Residential-5 (LDR-5), consistent with the remaining 0.51 acres of the property.

LEGAL DESCRIPTION: Map 1S3E12CD Tax Lot 1700

LOCATION: 610 SE Williams Road | Gresham, OR 97080

EXHIBITS:

- A. Vicinity Map
- B. Proposed Zone Change Map
- C. Existing Conditions Map
- D. Map from CPA 09-018 (Ord. 1665-2009)

RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of this Plan Map Amendment to the City Council.

BACKGROUND INFORMATION

A. DESCRIPTION OF PROPOSAL AND HISTORY

PMA-22-00460 is a proposal to correct a split zone situation at 610 SE Williams Road in Gresham, Oregon.



Figure 1: Sketch of the proposed area of map change

The property, located at 610 SE Williams Road, is a lot of record composed of two tax lots (Tax Lot 1800 with the existing home and totaling 0.51 acres, and Tax Lot 1700 to the east and totaling 0.31 acres). Tax Lot 1800 is zoned as Low Density Residential-5 (LDR-5), while Tax Lot 1700 is zoned as Low Density Residential-7 (LDR-7). The split-zone does not prohibit further development of the overall site but does pose logistical barriers to housing development and effective design. The Gresham Community Development Code standards discourage the creation of split-zone lots.

The proposal would change Tax Lot 1700 from LDR-7 to LDR-5, consistent with the western developed portion of 610 SE Williams.

In 2009, the City undertook Comprehensive Plan Amendment (CPA 09-018, Ord. 1665-2009) which created new categories of residential zoning. Prior to this amendment, the property was under one residential zone (Low Density Residential), with the equivalent density of today's LDR-5 zone. CPA 09-018 created a split zone situation on this property by placing the eastern tax lot under the new LDR-7 zone along with other adjacent properties. Previously, the site was one zone with standards similar to the current LDR-5 zone.

B. EXECUTIVE SUMMARY

The proposed amendment of 0.3 acres to a Low Density Residential-5 (LDR-5) designation meets all four of the City's criteria for Plan Map amendment.

The tax lot is part of a larger lot of record that is already designated LDR-5; the split-zone situation appears to have been created in error when new residential zoning designations were mapped in 2009. Impacts related to density changes are minimal, representing an additional one unit possible based on the density for detached homes. The existing transportation, water, sewer, and services infrastructure is sufficient.

II. APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

- A. Section 11.0500 Type III Procedures
- B. Section 11.0101 Development Permit Application
- C. Section 11.0213-0214 Referral and Review of Development Permit
- D. Section 12.0000 Community Development Plan Map Amendments

III. APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES

- A. Section 10.014 Land Use Planning
- B. Section 10.311 Residential Land Use
- C. Section 10.320 Transportation Systems
- D. Section 10.330 Public Facilities and Services
- E. Section 10.331 Water Service
- F. Section 10.332 Wastewater System
- G. Section 10.333 Stormwater Drainage Management
- H. Section 10.335 Fire and Police Protection
- I. Section 10.411 School Services
- J. Section 10.600 Residential Land Use and Housing (Goal 10)

IV. FINDINGS

The proposed Plan Map Amendment is consistent with all applicable criteria and policies of the Gresham Community Development Code (zoning regulations) and the Community Development Plan (comprehensive plan) as indicated in the applicant's findings, except as superseded by staff findings below. The findings also document compliance with Oregon Statewide Planning Goals and Metro regional Urban Growth Management Functional Plan (UGMFP) regulations.

A. COMMUNITY DEVELOPMENT CODE

- 1. **Section 11.0101 - Development Permit Application.** Staff has reviewed this application and finds that it includes the information needed to fully address the Plan Map Amendment criteria.
- 2. **Section 11.0204 – Initiation and Classification of Applications.** The subject proposal was initiated by City Council, directing staff to begin a Plan Map Amendment to

resolve the split-zone situation created by zoning map changes under CPA 09-018. This proposal will be considered by both the Planning Commission and the City Council at public hearings in accordance with provisions of this section. The City Council will act on a recommendation from Planning Commission. A Plan Map Amendment for a single parcel or small group of parcels is classified as a Type III procedure per Table 11.0204.

3. **Section 11.0602 – Type III Procedures.** This application has been routed to affected city, county, special purpose districts, regional, and state agencies for review and comment. Notice was submitted to DLCD via their proprietary form August 4, 2022. Notice of the application was mailed to surrounding property owners August 23, 2022, and posted on the site August 23, 2022.
4. **Section 12.0001 - Community Development Plan Map Amendments.** This proposal will be evaluated according to the Type III procedures for a portion of a single parcel and approval criteria contained in this section. Certain criteria outlined in this section of the Code must be addressed in order for an evaluation of the appropriateness of the request to be conducted. Amendment criteria include:

- a. *The proposed designation is consistent with the applicable policies and implementation strategies of the City's Community Development Plan. The applicant must demonstrate that the proposed designation complies with the appropriate locational criteria identified in the Community Development Plan.*

Section B of this staff report provides staff findings for compliance with Community Development Plan policies.

Conclusion: Based on the findings of Section B, staff find the proposal is consistent with the applicable policies of the City's Community Development Plan, and therefore is consistent with Criteria 1 for Plan Map amendments.

- b. *The proposed designation will not negatively impact existing or planned public facilities and services.*

The proposed change would correct a split-zone situation, such that the entire lot of record will be mapped consistent with the primary existing zone on the site (LDR-5). The proposed change to map 0.3 acres of land from LDR-7 to LDR-5 has a nominal impact on the development potential on this site.

Each zone is described in GCD Article 4:

The Low Density Residential-5 District is primarily intended for residential uses including single detached dwellings and manufactured homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters at a maximum net density for single detached units of 8.71 units per acre and for townhouses of 25 units per 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 acre is required.

The Low Density Residential-7 District is primarily intended for residential uses including single detached dwellings and manufactured homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters at a maximum net density for single detached units of 6.22 units per acre and for townhouses of 25 units per 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 acre is required.

Based on the maximum net density for single detached units of each zone, and the gross area of the subject property, one additional unit of density would be created through the proposed map correction. Note however that, at the time of future development, actual density would be calculated based on the net area, subtracting for square footage dedicated to public streets, private streets, the flagpole portion of any flag lot, and the portion of non-standard lots encumbered by an access easement.

Table 1: Maximum net density for single detached units calculated on gross acreage

Property	Maximum Density for Single Detached Units: Existing	Maximum Density for Single Detached Units: Proposed
Tax Lot 1700	2 dwelling units	3 dwelling units
Tax Lot 1800	4 dwelling units	4 dwelling units
Tax Lots 1700 and 1800 together	6 dwelling units	7 dwelling units

Middle housing development types are also permitted in the LDR-5 and LDR-7 zones. Duplex, triplex, and quadplex development types are permitted on a lot of record without additional density standards and governed by standards including Floor Area Ratio. The maximum density for townhouse development is 25 dwelling units per acre with no minimum lot size for both the LDR-5 and LDR-7 zone and remains unchanged.

The Development Engineering and Transportation divisions of the City of Gresham have been notified of the proposed Plan Map Amendment and have no concerns about the ability of existing and planned public facilities and services in relationship to these nominal changes in the theoretical density.

Development of the site will be subject to review of applicable land division or design criteria, as well as the public works standards. The proposed zone change will not negatively impact existing or planned public facilities and services.

Conclusion: Based on these findings, the proposed LDR-5 designation is not expected to have negative impacts on existing or planned public facilities and services, and therefore is consistent with Criteria 2 for Plan Map amendments.

- c. *In addition, the proponent shall demonstrate compliance with one of the following criteria:*

(i) *A mistake was made in the current designation. The applicant must identify a specific error made during the adoption process of the Community Development Plan that, if it had been brought to the attention of the council, would have influenced the council's decision of the appropriate designation,*

Or,

(ii) *The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed land use designation and its potential use vary. The factors in determining suitability are parcel size and location.*

In 2009, the City undertook Comprehensive Plan Amendment (CPA 09-018, adopted by Ord. 1665-2009) which created new categories of residential zoning. Prior to this amendment, the property was under one residential zone (Low Density Residential), with the equivalent density of today's LDR-5 zone. CPA 09-018 created a split zone situation on this property by placing the eastern tax lot under the new LDR-7 zone along with other adjacent properties.

Staff have not found any evidence to suggest that the split zone was created intentionally; more likely, staff at the time of the proposed change were not aware that the separate tax lot appearing on maps was part of the same lot of record as the tax lot to the west (Exhibit D). The proposed change was mapped following the alignment of separate lots to the south of the subject tax lot. The current designation was a mistake, and it is very likely that if the oversight had been brought to the attention of Council, it would have influenced Council's decision on the appropriate designation.

Conclusion: Based on these findings, the site was mistakenly zoned LDR-7 rather than LDR-5 in 2009 and is better suited for the proposed LDR-5 zone to correct a split-zone situation. The application is consistent with Criteria 3 (c)(i) for Plan Map amendments.

(d) The proposed designation is consistent with the Metro Urban Growth Management Functional Plan (UGMFP).

Metro Title 1 (Housing Capacity)

The proposed change maintains the existing housing capacity, with a nominal increase of one dwelling unit of density. By eliminating barriers associated with split-zone situations (a new split zone cannot be created through Land Division), the change better supports housing capacity than the existing situation.

Metro Title 7 (Housing Choice)

Title 7 requires that the City adopt voluntary affordable housing production goals that will guide measuring progress toward increasing housing choices and meeting affordable housing needs. The proposal has a neutral to positive impact on effective

housing capacity and does not impede any efforts toward affordable housing production. The City continues to comply with its Title 7 objectives through its affordable housing and urban renewal programs.

Conclusion: Based on these findings, the proposed change is consistent with the Metro Urban Growth Management Functional Plan (UGMFP). Metro’s 2020 Compliance Report concludes that Gresham is in compliance for the City’s Title 1, Title 3, Title 4, Title 7, Title 11, and Title 13 responsibilities.

B. COMMUNITY DEVELOPMENT PLAN POLICIES

The following are Community Development Plan Volume 2 (i.e. comprehensive plan) policies, which relate directly to this proposal. The policies are paraphrased for reference and are not written verbatim. Those Volume 2 policies not referenced here were omitted because they were determined to clearly not apply directly to the proposal. Policies whose applicability is marginal are mentioned with reasoning for why they are not applicable.

Section 10.014 – Land Use Planning

Policy 16 outlines the criteria contained in the Development Code including public facilities and services. Land uses permitted must also be compatible with existing land uses; the proposed change remains a lower density residential zone; no change in the range of allowed development types would result from the proposed change. Rear and side setbacks are not only compatible, but fully identical between the LDR-5 and LDR-7 zones. The zones are highly similar and compatible. Repairing the split zone will support the provision of housing.

The proposal complies with each of these additional criteria. Changes to development potential are minimal and there will be no negative impact to existing or planned public facilities. The change in zoning would not have a measurable impact on transportation demand and will be compatible with existing use of the property and existing residential uses surrounding the property on three sides.

Section 10.600 - Housing

This section of the Comprehensive Plan affirms the City’s requirement to comply with state administrative rules pertaining to Goal 10 Metropolitan Housing Rule, specifically OAE 660-007-0000 Division 7, Metropolitan Housing, as well as the Metro Urban Growth Management Functional Plan. As discussed above, the proposed zone change is largely neutral in relationship to housing capacity, with a small nominal increase in potential maximum density for detached homes. The proposed change does not have an impact on the City’s compliance with Goal 10 and associated administrative rules, and the Metro Urban Growth Management Functional Plan.

The policies of this section include that Gresham will provide a full range of housing types and sizes. The proposed change eliminates an impediment to housing development presented by the split zone situation and is consistent with goals for providing capacity for a range of housing types.

The proposal does not conflict with other goals for housing opportunity, economic development, and livability that govern the standards and criteria of the Gresham Community Development Code (GCDC). Any future development will be reviewed under applicable GCDC standards and criteria.

Based upon these findings, this proposal is found to be generally in conformance with the Housing Land Use Policies found in the City of Gresham Community Development Plan.

Section 10.320 - Transportation System

It is the general policy of the City to implement and maintain a balanced, coordinated, safe and efficient transportation system.

The change in land use designation will not create a significant change in the transportation system of the immediate area or of the City. The City's Transportation division has reviewed the proposal and has noted no concern regarding this change in designation.

Section 10.330 - Public Facilities and Services

It is the City's general policy that development will coincide with the provision of adequate public facilities and services including access, drainage, water and sewerage services.

Section 10.331 - Water Service

It is the policy of the City to provide municipal water service to all users within the corporate limits of Gresham.

The change in land use designation will not create a significant change in the City's water service capacity. The City's Development Engineering division has reviewed the proposal and has noted no concern regarding this change in designation.

Section 10.332 – Wastewater System

It is the policy of the City to provide municipal sanitary sewer service to all users within the Gresham sanitary sewer drainage basin.

The change in land use designation will not create a significant change in the City's sanitary sewer capacity. The City's Development Engineering division has reviewed the proposal and has noted no concern regarding this change in designation.

Section 10.333 – Stormwater Drainage Management

It is the City's policy to establish a drainage management system, which controls the amount and rate of surface water runoff; protects property from runoff related damage; and controls pollution of receiving streams.

The change in land use designation will not create a significant change in the City's stormwater/drainage capacity. The City's Development Engineering division has reviewed the proposal and has noted no concern regarding this change in designation.

Section 10.335 - Fire and Police Protection

It is the policy of the City of Gresham to provide adequate and cost-effective fire and police protection, which ensures a safe living environment and is responsive to the needs of the citizens of Gresham.

Gresham Fire has expressed no concerns regarding this proposal. Gresham Police did not submit comment.

Based upon these findings, this proposal has been found to be in compliance with the Public Facilities policies of the City of Gresham Comprehensive Plan.

Section 10.411 – School Services

Whereas the proposed change has a negligible impact on the potential density of housing development at the subject site, there is no discernable impact on school district capacity as compared to the development potential of existing zoning at the subject site.

Conclusion: The proposed map correction is consistent with all applicable Comprehensive Plan goals and policies.

C. STATE PLANNING GOALS

Goal 10 – Housing

As discussed above, the proposed zone change is largely neutral in relationship to housing capacity, with a small nominal increase in potential maximum density for detached homes representing one dwelling unit, with a negligible difference in capacity for middle housing development. The proposed change does not have an impact on the City's compliance with Goal 10 and associated administrative rules

The proposal represents a neutral to negligibly small increase in the City's housing capacity and Buildable Lands Inventory. The proposed change will support further development of needed housing, and in no way will impede the City's actions to comply with Goal 10.

The Department of Land Conservation and Development (DLCD) was notified of the proposed change via their proprietary notice on August 4, 2022; no comment has been received at the time of this staff report.

VI. CONCLUSION

The proposed Plan Map amendment is consistent with applicable criteria and policies of the Community Development Plan, as indicated by findings contained in Section IV of this report.

VII. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this Plan Map Amendment to the City Council.

End of Staff Report