

# SECTION 5.0500

## OPEN SPACE OVERLAY DISTRICT

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### General

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#### 5.0501 Introductory Provisions

Provisions of this section apply to all areas designated as Open Space Overlay District (OS) on the Community Development Special Purpose District Map. Designation of OS sites is based on the Inventory of Significant Natural Resources and Open Spaces adopted as an appendix to the Community Development Plan. It is the purpose of the OS district is to conserve undeveloped and landscaped areas that reduce air pollution and enhance the value of adjacent property, to enhance the value to the public of public parks, public urban plazas, public trails and paths, public open spaces, natural areas and public school sites, to enhance recreation opportunities, and to promote orderly urban development.

#### Open Space Dedication

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##### 5.0510 Open Space Dedication

The Manager may accept the dedication of open space in connection with a development proposal for the purpose of off-setting the payment of parks system development charges, as provided in Article 6.15, System Development Charges, Gresham Revised Code. This acceptance of dedicated open space shall take place under the Type I procedure when the property to be dedicated is identified as an Open Space or Natural Resource site in the Inventory of Significant Natural Resources and Open Spaces. For all other areas, the acceptance of dedicated open space shall take place under the Type II procedure.

##### 5.0511 Public Open Space Criteria

Any proposal to accept an area not identified in the Inventory of Significant Natural Resources and Open Spaces as dedicated open space must meet criteria (A), (B), (C), and at least one of the remaining criteria below.

- A. The potential costs associated with the maintenance of the area will not exceed the recreational value of

the open space to the public.

- B. The area will meet a need identified in the Gresham Parks Development Plan.
- C. The open space area will not exhibit features that represent an obvious hazard to users or create a significant liability for the City.
- D. The open space area will link parks, neighborhoods, schools, or community activity centers or it will provide continuity within an existing greenway or planned greenway corridor.
- E. The open space area is in a usable location to serve passive or active recreational needs. Active park areas shall be located in accordance with the Gresham Parks Development Plan Map.
- F. The open space area has sufficient width and suitable topography to accommodate pedestrian or bicycle trails.
- G. The open space area will provide special opportunities for a nature trail, scenic walkway, exercise circuit, or other special purpose trail.
- H. The open space area will conserve any of the following natural resources or features:
  - 1. Fish and wildlife habitat;
  - 2. Water resources, streams, drainageways, ponds, lakes, floodplains, or wetlands;
  - 3. Natural vegetation, stands of trees, or forest areas;
  - 4. Scenic views and landscapes, such as forested hills and ravines;
  - 5. Geologic features;
  - 6. Ecologically and scientifically significant areas, such as Hogan Cedars; or
  - 7. Hazardous slopes greater than 35 percent.
- I. The open space area represents an historical or culturally significant site.

#### **5.0512 Private Open Space Criteria**

The City shall permit a development proposal that includes private open space if it meets the following criteria:

- A. Portions of the land are sufficiently improved to offer active or passive recreational opportunities;
- B. The proposal would not interfere with the continuity of an existing or planned public greenway corridor;
- C. An Open Space easement in accordance with **Section 9.0304** is recorded; and
- D. A Homeowner's Association or other mechanism acceptable to the Manager shall be formed for the maintenance and control of the private open space. The by-laws or similar instrument shall also include a financial mechanism that insures maintenance of the property.

### **Permitted Uses**

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#### **5.0520 Permitted Land Uses**

- A. The following uses are permitted in the Open Space Overlay District:
  - 1. Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities, and other facilities required for the transmission of power or communications
  - 2. Sewerage or drainageway system structures, including but not limited to pump stations, or sewage or storm water treatment plants
  - 3. Water system structures, including but not limited to treatment plants, storage reservoirs, pump stations, or other major facilities associated with the supply or distribution of water
  - 4. Emergency service facility such as a fire station or ambulance service

5. Public urban plazas, public neighborhood parks, public community parks, public trails and paths
6. Public greenway
7. Cemeteries
8. Portable classroom for public schools
9. Public or private elementary school
10. Public or private high school or college
11. Golf course
12. Community private recreational uses such as bicycle and pedestrian paths, play areas, athletic fields and private open space.
13. Temporary, Intermittent and Interim Uses (**Section 10.1400**) and Food and Beverage Carts (**Section 10.1600**)
14. Affordable housing development under **Section 10.1700**.

### **5.0521 Residential Density Transfer Credit**

A density transfer credit shall be permitted for those parcels with a plan map designation allowing residential development when one acre or more of the parcel lies within an OS district. For parcels with a low density residential designation, the density transfer credit shall be calculated at the rate of two dwelling units per acre of that portion of the parcel lying within the OS district. For parcels with a moderate density residential designation, the density transfer credit shall be calculated on the basis of the maximum number of dwelling units permitted per acre in that residential district for each acre of site area within the OS district. The number of units calculated on this basis shall be added to the number of units permitted on that portion of the parcel lying outside the OS district to determine the total number of dwelling units which may be developed on the non-OS portion of the parcel. Where a density transfer credit is allowed in a low density residential district, minimum lot sizes and lot dimensions as specified for detached dwellings and duplexes may be reduced on the non-OS portion of the parcel. In both low density and moderate density residential districts, all other applicable development standards, including setback and building heights, shall continue to apply when a density transfer occurs. Residential density transfer credits do not apply to affordable housing development under **Section 10.1700**.

## **Development Requirements**

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### **5.0530 Site Development Requirements**

Site development standards including minimum lot size and dimensions, minimum yard setbacks, and maximum building height shall be as specified for the underlying Plan Map District designation, except as may be modified through a Special Use Review, under **Section 8.0100**.

### **5.0531 Design Standards and Supplementary Regulations**

All uses permitted in the OS district shall be designed in conformance with applicable provisions and requirements of the Community Development Code.

### **5.0532 Conservation of Open Space**

The design and development of any use permitted in the OS district shall take place in such a manner as to limit to the maximum extent possible the intrusion of buildings, off-street parking areas, and driveways into natural areas and areas of the site which are landscaped or in recreational use.

