



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/31/2012

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 004-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 14, 2012

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
Angela Lazarean, DLCD Urban Planner
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<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

DATE
STAMP

DEPT OF

JAN 25 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Gresham**

Local file number: **CPA 11-022**

Date of Adoption: **1/17/2012**

Date Mailed: **1/24/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9/27/2011

☐ 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".

Creates a process whereby certain institutional uses can receive approval for coordinated, phased development of their property under an Institutional Master Plan.

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

Minor wording 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:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 004-11 (18988) [16914]

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

Metro

Local Contact: **Brian Martin**

Phone: (503) 618-2266 Extension:

Address: 1333 NW Eastman Parkway

Fax Number: - -

City: Gresham Zip: 97080-
brian.martin@greshamoregon.gov

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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) by DLCD of the 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 30, 2011

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

CB 14-11

ORDINANCE NO. 1712

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE,
OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN,
REGARDING THE DEVELOPMENT CODE IMPROVEMENT PROJECT,
INSTITUTIONAL MASTER PLANS COMPONENT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

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

3.0010 General Terms and Definitions

- **Institutional Master Plan.** A development plan for multiple phases of certain institutional uses; parks; and public, multi-use trails that include one or more sites.

Section 2. Volume 3, Development Code, Article 8 Special Uses is amended as follows:

**SECTION 8.0300
INSTITUTIONAL MASTER PLANS**

General

8.0301 Purpose

8.0302 Applicability

8.0303 Review of Institutional Master Plans

8.0304 Submittal Requirements

8.0305 Duration of Institutional Master Plan Approvals

Standards

8.0310 Approval Criteria

8.0311 Subsequent Development Consistency

8.0312 Institutional Master Plan Limited Review

General

8.0301 Purpose

The purpose of the institutional master plan process is to promote and facilitate the coordinated development of certain institutional uses; parks; and public multi-use trails through adoption of institutional master plans. This will add long-term predictability concerning development of the institutional master plan areas for the applicants, surrounding neighborhoods and the entire community while allowing for periodic institutional master plan reviews. The institutional master plan process also is intended to streamline and consolidate development review processes, often allowing for lower-level reviews for subsequent developments that are consistent with the institutional master plan.

8.0302 Applicability

- A. The following uses are eligible to apply for an institutional master plan review: hospitals; colleges; high schools; religious institutions, public community and regional parks; and public multi-use paths with associated access points and trailheads. The uses must be the primary use on the site or sites. The Institutional Master Plan process is voluntary.
- B. Applications for an institutional master plan may be submitted by applicants described in Section 11.0201(A)(1) and may include lots not controlled by the institutional landowner if the lots are eligible to be included consistent with this section and the institution receives written permission from the property owners stating that they consent to be included in the institutional master plan.
- C. Except for public community parks and regional parks and public multi-use paths, minimum site size shall be:
 - 1. 10 acres for an institution on one site.
 - 2. 10 acres total and 5 acres per site for institutions on more than one site.For the purposes of this section, "site" means all lots eligible to be included in the institutional master plan that are abutting or lots that are adjacent and separated by any one of the following: public open space, waterways, utility corridors, public rights of way.
- D. Except for public community and regional parks and public multi-use paths, non-abutting sites included in the institutional master plan must be within one-half mile of each other and fully contained within that one-half mile.

8.0303 Review of Institutional Master Plans

- A. Institutional master plans and modifications of approved institutional master plans shall be reviewed as specified in Table 11.0204.
- B. An Institutional Master Plan Limited Review shall be required for the first development application once 10 years have passed since the institutional master plan approval (or, if applicable, the final approval) was issued. The applicant shall file for a limited review concurrent with the first development review sought after 10 years has passed. This limited review shall be conducted as specified in Table 11.0204.
- C. Other reviews. The institutional master plan review may integrate the following review processes:
 - 1. Determination of allowed uses; and
 - 2. Design review regarding relevant site design elements such as building footprints, landscape areas and parking lot areas. This shall not include building and landscape design; and

3. Modifications and variances, including modifications of Environmentally Sensitive/Restoration Areas or Habitat Conservation Area; and
 4. Modifications of conditions of approval on previously approved existing buildings that involve relevant use or site design elements; and
 5. Other reviews appropriate for the institutional master plan as determined by the Manager. Reviews that require City Council decisions shall receive those decisions separate from the institutional master plan review.
- D. Institutional master plans reviewed through this subsection shall be subject to the applicable requirements of **Appendix 5.0000:Public Facilities Standards**.
 - E. An applicant may request concurrent review of an institutional master plan and subsequent development(s) that rely on the institutional master plan.
 - F. Conditions of approval for existing developments that are within the institutional master plan boundary at the time of approval shall be incorporated into the institutional master plan approval, unless the conditions are superseded by the institutional master plan approval.
 - G. Modifications of institutional master plans shall be reviewed as specified in **Table 11.0204**. An approved modification does not change the end date for the institutional master plan approval as described in **Section 8.0305**.
 - H. If the institutional master plan approval includes conditions that affect the site design elements of the plan, the applicant shall within 120 days submit an application for an Institutional Master Plan Final that includes the compliance with any conditions requiring modifications to the institutional master plan. This final application shall include a narrative description of how the conditions are being met and any drawings or exhibits necessary to review the proposed implementation of the conditions. If site design elements change, a new site plan shall be submitted. The Institutional Master Plan Final shall be reviewed as specified in **Table 11.0204**. For an Institutional Master Plan Final, the 20-year approval period shall begin at the end of the Institutional Master Plan Final appeal period.

8.0304 Submittal Requirements

- A. An application for an institutional master plan shall provide facts and evidence sufficient to enable the approval authority to make a determination in compliance with the criteria set forth in this section, including submittal requirements requested on relevant submittal checklists maintained by the Manager. Submittals shall include but are not limited to relevant information related to uses; boundaries; a site plan; a narrative description of the institutional master plan; proposed phasing; transportation and parking impacts and potential mitigation measures; and information about how the proposed uses and developments comply with Development Code standards. The submittal shall be highly visual.
- B. The applicant in the submittal shall identify which Development Code standards the application intends to comply with and include in the institutional master plan approval.
- C. The applicant shall provide conditions of approval related to site design for applicable, previously approved development permits within the master plan boundary.

8.0305 Duration of Institutional Master Plan Approvals

The Institutional Master Plan approval expires 20 years after the appeal period ends on its original approval, or, if applicable, the appeal period ends on the Institutional Master Plan Final approval. After 20 years, subsequent development applications shall be reviewed under other applicable sections of the Development Code. Applicants also have the option of applying for another Institutional Master Plan approval if they remain eligible under Development Code provisions at that time.

8.0306 Review of Subsequent Developments

- A. Subsequent developments shall be reviewed for their consistency with the approved master plan and shall undergo all relevant reviews as listed in Section 11.0204 of the Development Code, except reviews already completed as part of the institutional master plan approval. These reviews shall be for standards not already approved as part of the institutional master plan approval and shall use the latest Development Code standards, including applicable requirements of Appendix 5.0000: Public Facilities Standards. The review shall consider the latest standards related to natural resources, resource delineations and overlay districts, including but not limited to standards for Habitat Conservation Areas, Environmentally Sensitive Resource Areas and the Floodplain Overlay District.
- B. Subsequent development phases may be implemented in a different order than originally proposed in the institutional master plan phasing as long as the development remains in compliance with Development Code standards, such as those involving parking, landscape area required, stormwater treatment and similar standards.

Standards

8.0310 Approval Criteria

Requests for institutional master plans will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

- A. The institutional master plan demonstrates that the institutional master plan boundary is of a size and shape to accommodate: the proposed uses; all existing and proposed development; and related yards, setbacks, buffers, parking and other required elements (taking into account planned demolitions, if applicable); and
- B. The application meets applicable Development Code standards for all reviews being considered as part of the institutional master plan.

8.0311 Subsequent Development Consistency

A subsequent development is not consistent with the institutional master plan if the development:

- A. Does not comply with conditions of approval, including conditions of approval related to Section 8.0122; or
- B. Would increase the institutional master plan boundary to add land not previously inside the boundary; or
- C. Would reduce the institutional master plan boundary in a way that affects a condition of approval or takes the site out of conformance, or further out of conformance, with a development standard; or

- D. Would add, remove or substantially change transportation access points; or
- E. Would substantially change the transportation circulation pattern within 50 feet of the institutional master plan boundary (and inside the boundary); or
- F. Would increase overall development floor area on the site more than 10 percent. For institutional master plans with more than one site, each site shall be considered individually; or
- G. Would increase floor area on any one building:
 - 1. By more than 5,000 square feet if the building was approved in the institutional master plan at 50,000 square feet or less; or
 - 2. By more than 10 percent if the building was approved in the institutional master plan at more than 50,000 square feet; or
- H. Would provide a number of parking spaces lower than the minimum required, higher than the maximum allowed or outside a range approved as part of the institutional master plan; or
- I. Includes uses not approved as part of the institutional master plan; or
- J. Includes any development not approved as part of the institutional master plan within 50 feet of the institutional master plan boundary or any development greater than 5,000 square feet that is 50 feet or more from the institutional master plan boundary.

8.0312 Institutional Master Plan Limited Review

Institutional Master Plan Limited Reviews as described in Section 8.0303(B) shall provide a review of certain urban design standards to determine if significant changes to the Development Code have occurred since the institutional master plan was approved. The Manager may require changes to the institutional master plan and/or subsequent developments that rely on the institutional master plan to ensure conformance or increased conformance with the Development Code.

- A. The urban design review shall include applicable Development Code changes as determined by the Manager regarding:
 - 1. The amount of building frontage required on public streets; and
 - 2. The location of parking as it relates to whether it is in front of buildings along streets or to the side or rear of buildings; and
 - 3. Building orientation, such as whether entries or entry features must face streets; and
 - 4. Front or side setbacks facing streets; and
 - 5. Similar urban design elements that affect how the site or sites are experienced from the street.
- B. In determining whether to require changes to the institutional master plan and/or subsequent developments, the Manager shall consider whether:
 - 1. The benefit to the City's built environment outweighs the potential negative effects to the institutional master plan and/or subsequent developments and/or the operation of the institution, park or trail; and
 - 2. The changes substantially reduce negative effects on abutting or adjacent properties and/or substantially improve the urban design of the institutional master plan and/or subsequent developments along public rights of way.

Section 3. Volume 3, Development Code, Article 11 Procedures is amended as follows:

Table 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
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COMMUNITY SERVICE USES (8.0100)										
8.0110	Community Service Use I	N	I	D	A					
8.0111	Community Service Use II	Y	II	D	A					
8.0112	Community Service Use III	Y	III							
	Minor	Y	III		D				A	
	Major	Y	III						D	A
	Major in Design District	Y	III					D		A
<u>INSTITUTIONAL MASTER PLANS (8.0300)</u>										
<u>8.0303</u>	<u>Institutional Master Plan</u>	<u>Y</u>	<u>III</u>						<u>D</u>	<u>A</u>
<u>8.0303</u>	<u>Institutional Master Plan Final</u>	<u>N</u>	<u>I</u>	<u>D</u>					<u>A</u>	
<u>8.0303</u>	<u>Institutional Master Plans Modifications</u>	<u>Y</u>	<u>III</u>						<u>D</u>	<u>A</u>
<u>8.0303</u>	<u>Institutional Master Plans Limited Review</u>	<u>Y</u>	<u>II</u>	<u>D</u>					<u>A</u>	
TEMPORARY USES (10.1400)										
10.1401	Temporary Use Permit	N	I	D	A					

First reading: December 20, 2011

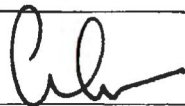
Second reading and passed: January 17, 2012

Yes: Echols, Widmark, Kilian, Warr-King, Stegmann

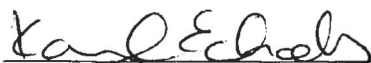
No: None

Absent: Bemis, Fuhrer

Abstain: None

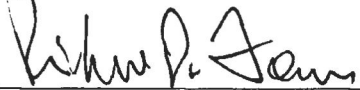


Erik Kvarsten
City Manager



~~Shane T. Bemis~~ Karylinn Echols
~~Mayor~~ Council President

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. 633
VOLUME 3, DEVELOPMENT CODE, OF THE	)	
GRESHAM COMMUNITY DEVELOPMENT	)	CPA 11-022
PLAN, REGARDING THE DEVELOPMENT CODE	)	
IMPROVEMENT PROJECT, INSTITUTIONAL	)	
MASTER PLANS COMPONENT	)	

On December 20, 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 Institutional Master Plans Component.

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

The Council closed the public hearing at the December 20, 2011 meeting, and a final decision was made at the January 17, 2012 meeting.

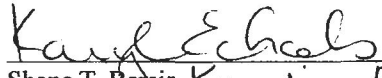
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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: January 17, 2012



Erik Kvarsten
City Manager



~~Shane T. Bemis~~ Karylinn Echols
~~Mayor~~ Council President

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

TYPE IV RECOMMENDATION ORDER

CPA 11-022

A Type IV Legislative Public Hearing was held on November 14, 2011 to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding **Institutional Master Plans**.

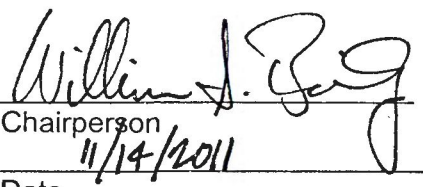
The Planning Commission closed the public hearing at the November 14, 2011 meeting, and a final recommendation was made at the November 14, 2011 meeting.

William Bailey, Chair, presided at the hearing.

A permanent record of this proceeding is to be kept on file at 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 Community Development Code regarding Institutional Master Plans with the following changes:

- Section 8.0310 – remove the words “all of” from the first sentence
- Section 8.0312.B.1 – remove the word “school” so that the end of the sentence reads “....the operation of the institution, park or trail; and”


Chairperson
11/14/2011
Date



MEMORANDUM

URBAN DESIGN & PLANNING

**STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
INSTITUTIONAL MASTER PLANS**

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Long Range Planning Manager
Brian Martin, AICP, LEED AP, Associate Planner

Hearing Date: November 14, 2011

Report Date: November 1, 2011

File: CPA 11-022

Proposal: To adopt comprehensive plan amendments to Volume 3 (Development Code) of the Community Development Plan with text amendments creating an Institutional Master Plan process.

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

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

SECTION I

EXECUTIVE SUMMARY

Background

This Development Code Improvement Project (DCIP) component creates a process by which certain uses can receive approvals for long-term, phased developments according to an institutional master plan. It is part of the 2011 Council Work Plan.

Institutional master plan processes are often used in other cities for larger, multi-phase developments. They allow an institution to seek approval of long-term development plans to provide more predictability for institutions, adjacent uses and the city in general. They also can provide more streamlined review for subsequent developments.

One of Gresham's major institutions and employers, Mt. Hood Community College, expressed in 2009 an interest in having a master plan process so the community college campus could receive approval of a long-term development plan. Components of that plan then could be approved using a more focused and lower level of review.

Currently, if the college wishes to expand, the expansion – regardless of its size – is subject to the same type of review as the original establishment of a college. This is a Type III Community Service Use review, which involves a public hearing before the Planning Commission.

This and other concerns about master plan Code provisions prompted a review of whether the City should add a master plan process for institutions. Since the project began, other institutions have expressed support for the City establishing such a process.

This DCIP component determined opportunities to create a master plan process for institutional uses, reviewed alternatives, developed a preferred approach, and produced Development Code amendments.

The project included a thorough public outreach effort, including:

- Issues identification: Aug. 17, 2010, community forum
- Preferred approach evaluation: April 4 and June 22, 2011, community forums
- Draft code review: Sept. 7, 2011, open house.

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

Proposed Comprehensive Plan Amendment Overview

Text changes to the Community Development Plan are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~/underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview provided below summarizes the changes.

The Code is designed to provide a review of site design elements, such as building, landscaping and parking lot locations and sizes. These elements can be approved, and the approval lasts 20 years. When subsequent developments that are part of the master plan are applied for, the review is limited to building and design elements not reviewed as part of the master plan process.

Once a master plan is approved, this often will allow for a less expensive, lower-level review when subsequent developments consistent with the master plan are proposed.

In summary, the Code:

- Establishes a process by which to review Institutional Master Plans. The process includes:
 - A Type III review with public notice and a public hearing before the Planning Commission.
 - A review of uses and site design elements such as building locations, heights and sizes; landscape area sizes and locations; and parking lot sizes and locations.
 - Other concurrent reviews, if needed, such as determination of allowed uses, applicable design reviews, modifications and variances, modifications of conditions of approval, and other appropriate reviews as determined by the Manager.
- Describes which uses and sites are eligible to apply for an institutional master plan. Standards include:
 - Eligible uses include hospitals, colleges, high schools, religious institutions, public regional parks, public community parks and public multi-use paths.
 - Minimum site size for all uses except parks and trails is:
 - 10 acres if one site is involved
 - 10 acres total and 5 acres per site if more than one site is involved (must be within one-half mile of each other)
 - "Site" means all lots eligible to be included in the master plan that are abutting or lots that are adjacent and separated by rights-of-way, public open space, waterways, and utility corridors.
- Describes the review of subsequent developments that are part of the master plan. These reviews will include:
 - Building, parking lot and design
 - Transportation impact
 - Public facility impacts (water, sewer, stormwater, etc.)
 - Environmental impacts, such as Habitat Conservation Areas
 - Other applicable standards not approved as part of the master plan
- Provides for reviews of subsequent developments to see if they are consistent with the institutional master plan. This review will look at whether the development proposal:
 - Complies with conditions of approval
 - Increases or decreases the master plan boundary
 - Changes transportation access points
 - Substantially changes circulation pattern near boundary
 - Increases overall development more than 10 percent
 - Increases floor area beyond a certain threshold
 - Changes parking significantly
 - Includes uses not part of the master plan
 - Includes development not part of the master plan that is large or near the boundary
- Establishes a limited review of the Institutional Master Plan that takes place at least 10 years after the initial approval. This review will occur at the time of the first development application after the Institutional Master Plan is 10 years old. It will look at urban design elements such as:
 - Building frontage requirements along streets

- Parking locations
- Building entrance orientation to streets
- Front or side setbacks facing streets
- Provides standards regarding how staff determines whether to require changes to the master plan based on the limited review. The Code language says staff will consider whether:
 - The benefits outweigh the potential negative effects to the institutional master plan and/or subsequent developments; and
 - The changes reduce negative effects on abutting or adjacent properties and/or improve the urban design along streets.

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 Management Functional Plan (UGMFP) titles 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.
 - Subsection D is findings of fact for the Statewide Planning Goals.
- 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 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 10.312	Commercial Land Use
Section 10.411	School Services
Section 10.412	Parks, Recreation, Open Space and Trails

SECTION IV

APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 8	Compliance Procedures
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SECTION V

STATEWIDE PLANNING GOALS

Goal 1	Citizen Involvement
Goal 2	Land Use Planning

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 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 the Development Code Improvement Project. The 2011 Council Work Plan was approved on Feb. 1, 2011.

2. Sections 11.0203 and 11.0204 – Classification of Applications and Review Authorities. 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.

3. 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 Sept. 27, 2011, which is at least 45 days prior to the Planning Commission hearing date of Nov. 14, 2011. 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.

4. 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 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 Development Code Improvement Project, which was requested by the Gresham City Council to provide an update to Gresham's Community Development Plan and how it deals with large institutional uses. Gresham's Plan has been found in compliance with state

and regional requirements, and the proposed amendments are also 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 existing land-use districts, boundaries and standards. They create a new process by which to review long-term, phased development of institutional uses. The review provides a 20-year approval, with some elements to be reviewed after 10 years. It also allows, in many cases, the subsequent developments to be reviewed under a lower level of review. This serves the best interest of Gresham by allowing its institutions to better plan for long-term, coordinated, phased development of their land while still retaining adequate review that includes public input.

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 project was done in part in response to a request from Mt. Hood Community College, one of the institutional uses affected by the proposed Code change.

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

Land Use Goal and Policies 1 and 2: 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 20: The amendments address this policy by providing code changes addressing the need for long-term, phased development of institutional lands in a coordinated, predictable manner. The amendments address a need identified by an institution to create a process that enhances the ability to plan for and execute future development. The public and elected and appointed officials also were provided with research and analysis concerning this project 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 as part of the Development Code Improvement Project-5, which began in 2010. The issue also was brought to the City's attention by Mt. Hood Community College, which was completing its master plan in 2009 and 2010.

This project was conducted with a thorough public outreach process that included:

- Issues identification: Aug. 17, 2010, community forum
- Preferred approach evaluation: April 4 and June 22, 2011, community forums
- Draft code review: Sept. 7, 2011, open house
- City staff prepared a public input summary after the April 4 community forum and delivered it 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 would 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.
- Interviews with representatives from institutions, including Mt. Hood Community College and Legacy Mount Hood Medical Center.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on Aug. 23, 2010; April 25, 2011; June 27, 2011; and Sept. 26, 2011.

Conclusions

The Citizen Involvement Goal and all citizen involvement policies were addressed through 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. The Social Environment

Section 10.411 – School Services

Policy 1: It is the policy of the City to give the districts the opportunity to review and comment on land-use actions which would have an impact on enrollment, student safety, or other school-related concerns.

Findings

Representatives from the Gresham Barlow School District and the Centennial School District were notified of the Institutional Master Plan project and offered opportunities to review the preferred approach and the draft Code. Representatives from Mt. Hood Community College participated in the process through meetings with City staff and attendance at forums and Planning Commission meetings.

Conclusions

The proposal and the process in which it was created are consistent with the School Services policy.

Section 10.100 – Parks, Recreation, Open Space and Trails

Goal: Develop and maintain a neighborhood-oriented parks, open space and recreation system to enhance Gresham's quality of life.

Policy 4: The City shall develop community parks located throughout the community to provide active and passive recreational opportunities for all City residents and to accommodate large groups and community events.

Policy 6: The City shall develop an integrated trail system that links together neighborhoods, parks, open spaces, major urban activity centers, the "40-Mile Loop," and other regional recreation opportunities.

Findings

The parks goal and park policies 4 and 6 call upon the City to develop community parks and trail systems to benefit the community and provide recreational opportunities throughout the City. The Institutional Master Plans process provides a way for the City to get long-term, phased development plans approved for its community parks and trails. This new process will provide an easier and less expensive way for the City to incrementally develop community parks and trails so it can develop recreational opportunities consistent with these policies.

Conclusions

The proposal is consistent with the Parks, Recreation, Open Space and Trails goal and policies.

C. Metro Urban Growth Management Functional Plan

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 submit 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 Sept. 27, 2011, which was at least 45 days prior to the first evidentiary hearing of Nov. 14, 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 1 requires that cities "provide the opportunity for citizens to be involved in all phases of the planning process."

Statewide Planning Goal 2 requires cities to "establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for

such decisions and actions. This shall result in land use plans and implementation measures that are consistent with the land use plans.

A thorough public input process was conducted in the creation of the proposed amendments, which allowed the public to be involved at each stage of the amendment's development. The resulting process as detailed in the proposed amendment also includes opportunities for public involvement in the institutional master plans and their subsequent developments.

The City has a state-acknowledged Comprehensive Plan. Section VI of this report describes findings and conclusions that the proposed Comprehensive Plan Amendments are consistent with applicable procedures and applicable goals and policies of the City's Comprehensive Plan.

Conclusion

The proposed amendments comply with Statewide Planning Goals 1 and 2.

SECTION VII

CONCLUSION

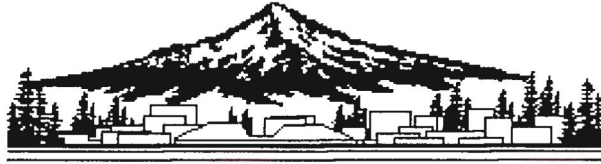
The proposed comprehensive plan amendments attached as Exhibit 'A' are consistent with applicable criteria and policies of the Community Development Plan, the applicable Development Code of the Community Development Plan; Applicable Metro UGMFP code, and Statewide Planning Goals as indicated by findings 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



Urban Design & Planning Services
City of Gresham

DEPT OF

JAN 25 2012

LAND CONSERVATION
AND DEVELOPMENT

CERTIFICATION OF MAILING

FILE NO.: CPA 11-022

PROJECT: Institutional Master Plans

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

DLCD

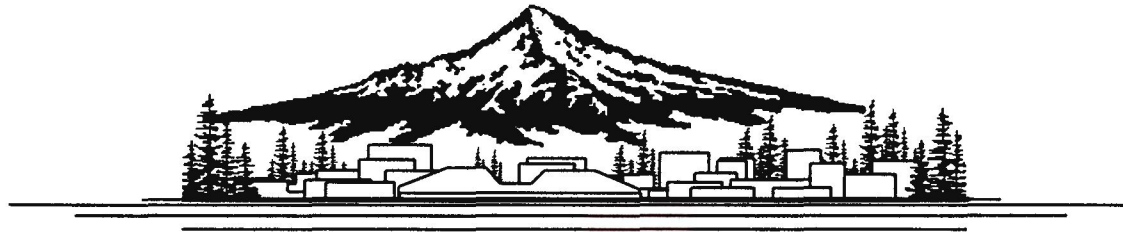
Plan Amendment Specialist
635 Capitol Street, NE #150
Salem, OR 97301-2540

Metro

Growth Management
600 NE Grand
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Drive
Gresham, OR 97080

SIGNATURE: Tammy J. Richardson
DATE OF MAILING: January 24, 2012



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

NOTICE OF FINAL DECISION

January 24, 2012

On January 17, 2012, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 633)** amending the Gresham Community Development Code regarding **Institutional Master Plans**.

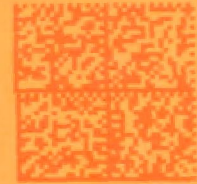
The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 011-022**, and may be reviewed at the City's Urban Design & Planning office Monday through Friday, 8:00 AM to 5:00 PM.

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

**CITY OF GRESHAM
DEVELOPMENT SERVICES
PLANNING SERVICES
8 NW EASTMAN PARKWAY
GRESHAM, OR 97030**

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