



Oregon
Theodore R. Kulungoski, 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

12/01/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 004-08

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: Friday, December 12, 2008

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

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

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

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

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person	☐ electronic	☐ mailed
DATE STAMP		
DEPT OF		
NOV 24 2008		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **City of Gresham**

Local file number: **PMA 08-26000188**

Date of Adoption: **11/18/2008**

Date Mailed: **11/21/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **7/10/2008**

☐ 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".
Plan Map amendment from Transit Low Density Residential (TLDR) to Station Centers (SC).

Does the Adoption differ from proposal? Please select one
NA

Plan Map Changed from: **TLDR**

to: **SC**

Zone Map Changed from:

to:

Location: **NE 165th and Burnside and NE Couch**

Acres Involved: **app. 1.34**

Specify Density: Previous: **12-20 un/ac**

New: **24-60 un/ac**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 004-08 (17006)

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

Metro

Local Contact: **Ken Onyima**

Phone: (503) 618-2521 Extension:

Address: 1333 NW Eastman Parkway

Fax Number: - -

City: Gresham

Zip: 97030-

E-mail Address: **ken.onyima@ci.gresham.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

BEFORE THE CITY COUNCIL OF THE

CITY OF GRESHAM

IN THE MATTER OF THE AMENDMENT OF THE	)	Order No. 607
GRESHAM COMMUNITY DEVELOPMENT PLAN	)	
MAP FROM TRANSIT LOW DENSITY RESIDENTIAL	)	PMA 08-26000188
(TLDR) TO STATION CENTER (SC)	)	
	)	

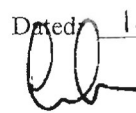
On October 21, 2008, the City Council held a public hearing to take testimony on an amendment to the Gresham Community Development Plan Map to change the land use designation on an approximately 1.34 acre site consisting of four parcels located east of NE 165th Avenue between E Burnside Street and NE Couch Street, 1N3E31CC Tax Lots 100, 200, 300, and 500 is changed from Transit Low Density Residential (TLDR) to Station Center (SC).

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

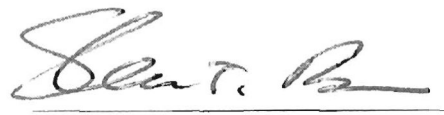
The Council closed the public hearing and approved the proposed amendment at the October 21, 2008 meeting, and a decision was made at the November 18, 2008 meeting.

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 this amendment is approved and adopts the standards, findings, conclusions, and recommendations as stated in the attached August 15, 2008 staff report.

Dated: 11-18-07


City Manager



Mayor



CITY OF GRESHAM
Planning Services
1333 N.W. Eastman Parkway
Gresham, Oregon 97030-3825

STAFF REPORT – TYPE III
Proposed Dichter Plan Map Amendment

FINDINGS AND RECOMMENDATIONS

HEARING DATE: August 25, 2008

REPORT DATE: August 15, 2008

TO: Gresham Planning Commission

FROM: Ken C. Onyima, AICP, Senior City Planner

FILE NUMBER: PMA 08-26000188

PROPOSAL: Proposal for a Plan Map amendment from Transit Low Density Residential (TLDR) to Station Center (SC) on Tax Lots 100, 200, 300, and 500 Section 1N3E31CC comprising a total of 1.34.

APPLICANT: Donovan Dichter, P.O. Box 69071 Portland, OR 97239

REPRESENTATIVE: Lance Forney & Ray Moore, All County Surveyors & Planners, Inc. P.O. Box 955 Sandy, OR 97055

LOCATION: 22 NE 165th; 16519, 16535, 16545, 16613 E. Burnside

PARCEL DESCRIPTION: 1N3E31CC Tax Lots #100, 200, 300 & 500

EXHIBITS:

- A. Vicinity Map
- B. Applicant's Narrative
- C. Central Rockwood Plan – Land Use District
- D. Housing Capacity Analysis Update
- E. Comprehensive Planning Comments
- F. Transportation Planning Comments
- G. Development Engineering Comments
- H. Fire Department Comments
- I. Area 8 Map

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

I. BACKGROUND INFORMATION

A. Description of Proposal and History

The proposal would change the 1.34 acre site from the current land use designation of Transit Low Density Residential (TLDR) to Station Center (SC). Tax lot 400 that is a part of the site is already designated SC. The TLDR designation generally allows for single-family detached and attached dwellings, manufactured homes, and two-unit attached dwellings at a minimum density of 10 units per acre and maximum density of 20 units per acre. The SC designation allows for a wide range of commercial uses, including retail, services, and offices. It also permits higher density housing and attached single-family dwellings. Minimum allowed density in the SC district is 24 units per acre for attached dwellings and 18 units per acre for attached single-family dwellings with a maximum of 60 units per acre. The applicant intends to develop the site with attached dwellings at the 24 -60 units per acre range.

The four parcels are located east of NE 165th Avenue between E. Burnside Street and NE Couch Street.

The applicant has pointed out that the proposed change in designation is being pursued in order to allow for the development of the site with residential dwelling units at a higher density than is allowed in the TLDR district. The applicant also claims that this higher density use will be directly supportive of the light rail transit.

B. Executive Summary

The proposed SC designation meets all three of the City's criteria for Plan Map amendments. This proposed change would not create a significant impact to the amount of Corridor District lands in the City, as both the existing and proposed districts are Corridor Districts (even though the TLDR is listed under the Residential District Section of the Code). The intent of the Central Rockwood Plan will be better promoted by the change in designation by allowing the site to be developed in a manner that will be more supportive of the available transit facilities within walking distance of the site. It will redesignate the parcels to their original SC designation based on the 1998 Central Rockwood Plan. The availability of the parcels for development under a single ownership has addressed one of the principal reasons for their redesignation to TLDR in 2002. Please refer to page 8 for more information. The 2002 TLDR redesignation was based upon the reasoning that the land use reflects the actual use of the parcels at that time. Also that parcel sizes and values make it very unlikely that these properties will redevelop to multi-family in the foreseeable future. The applicant has demonstrated that six years later the four parcels, in addition to the already designated SC piece (Tax Lot 400), together are ripe for SC type development.

Based on these and other findings contained in this report, staff has recommended adoption of the proposed SC designation.

II. APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

A. Section 11.0204	Type III Procedure
B. Section 11.0101	Development Permit Application
C. Section 11.0213-0214	Referral and Review of Development Permit Application
D. Section 12.0000	Community Development Plan Map Amendments

III. APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES

A. Section 10.310	Land Use
B. Section 10.319	Central Rockwood Area
C. Section 10.319.1	Transit Corridor Plan Area
D. Section 10.320.2	Transit System
E. Section 10.600	Housing
F. Section 10.330	Public Facilities and Services
G. Section 10.414	Economic Development

IV. FINDINGS OF FACT

The proposed Plan Map amendment is consistent with all applicable criteria and policies of the Community Development Plan, as indicated in the following findings:

A. Community Development Code Procedures

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 - Type III Procedures. This proposal will be considered by both the Planning Commission and the City Council at public hearings in accordance with provisions of this section.
3. Section 11.0213-0214 - Referral and Review of Development Permit Application. This application has been routed to affected city, county and state agencies for review and comment.
4. Section 12.0000 - Community Development Plan Map Amendments. This proposal will be evaluated according to the Type III procedures 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. An applicant must demonstrate that:

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

Criteria (a), (b), and (c)(ii) have been addressed by the applicant.

B. Community Development Plan Policies

The following are Community Development Plan Policies, which relate directly to this proposal. The staff has reviewed the narrative provided by the applicant and has made an evaluation of the proposal in light of applicable Comprehensive Plan Policies as follows:

Section 10.310 Land Use Policies:

Policy It is the City's policy to ensure that an adequate supply of land exists for residential, commercial, office, institutional, industrial and open space needs.

Findings: According to the January 31, 2008 Housing Capacity Analysis Update Technical Report (Exhibit D), there are 61.7 acres of gross buildable TLDR land and 7.9 acres of gross buildable SC land in the city. The proposed redesignation will reduce the TLDR gross buildable area by 1.34 acres leaving a total of 60.36 acres. On

the other hand, the gross buildable area for SC will increase to 9.24 acres. The overall policy of ensuring that an adequate supply of land exists for residential, commercial, office, institutional, industrial and open space needs is not likely to be offset by this 1.34 acre redesignation.

Based upon these findings, the proposal is in conformance with the Residential Land Use Policies of the City of Gresham Comprehensive Plan.

Section 10.319 Central Rockwood Area

Policy The city will permit and encourage land use types and intensities of use which accommodate forecast growth, support creation of a pedestrian-friendly, transit-oriented live/work district, and are otherwise consistent with the Gresham 2020 vision and the Metro Regional 2040 Functional Plan.

The applicant has identified the relevant implementation strategies of this policy and has discussed their applicability to this proposal to the satisfaction of the staff. The responses contained in Exhibit C pages 10 through 12 are hereby adopted and incorporated in to this report by reference.

In summary the redesignation of these parcels to SC will better advance the policy and implementation strategies set forth for the Central Rockwood Area. It will better take advantage of the proximity to the light rail through higher density residential development which in turn will mean increased MAX ridership.

City of Gresham Comprehensive Planning also sees the proposed change as a means of advancing the Central Rockwood Plan and a means of supporting new high-quality housing near transit stations and near the Rockwood Town Center. Comprehensive Planning could support SC or TLDR in this area. Please refer to Exhibit E for detailed comments from Comprehensive Planning staff.

Section 10.319.1 Transit Corridor Plan Area

Policy 1: The City will permit and encourage land use types and intensities of use which support creation of transit supportive development along the city's transit streets, accommodates forecast growth and are otherwise consistent with the Urban Growth Management Functional Plan and the 2040 Growth Concept Map.

Findings: The applicant's response on page 13 of Exhibit B point to the consistency of the proposed redesignation with the above policy. The location of these subject parcels a mere 800 feet to the light rail station at NE 162nd Avenue and Burnside makes for an ideal location for intensive land use that will be transit supportive. The present TLDR district pales in comparison with the proposed SC district in creating the type of ridership the above policy envisions. TLDR develops at a density range of

10 to 20 units per acre while SC develops at 24 to 60 units per acre. The forecast growth and consistency with the Urban Growth Management Functional Plan and the 2040 Growth Concept Map are met by the proposed SC designation.

Policy 2: The City will seek to create a mix of complementary land uses within easy walking distance of mixed-use districts and neighborhoods along the city's transit streets.

Findings: The implementation strategies for this policy are listed on page 14 of Exhibit B. The implementation strategy that calls for location of commercial and residential parcels directly adjacent to a light rail transit corridor is met by the location of site along Burnside Street. The other relevant implementation strategy that calls for SC district when a parcel is within ¼ mile (1,320 feet) of the light rail station is equally met as pointed out by the applicant (see page 14 of Exhibit B). The site is within 800 feet of the 162nd /Burnside St. Transit Station.

Section 10.320.2 Transit System

Policy 2: The City shall encourage intensive development in the transit corridors and transit station areas. Community Development Plan policies, land use patterns, standards, capital improvement plans, and specific strategies that support increased transit ridership and are compatible with light rail station area design shall be adopted.

Policy 3: The City shall plan for and promote population concentrations, intensive commercial and employment centers, senior or special needs housing, and public institutions and offices in areas that can be efficiently served by public transit, especially light rail.

Findings: As previously discussed, the intensive development and population concentrations envisioned by the above policies are better achieved by the SC district than the present TLDR district. These four lots and the one already designated SC that make up the site are adjacent to the transit corridor and within 800 feet of a transit station. The increased ridership that the higher density development and population concentration will generate is in direct support of the above policies.

Exhibit B on page 15 through 16 have further discussions on how the proposal is in line with the Action Measures necessary for the implementation of the above policies. The emphasis of the action measures center on encouraging intensive new uses and development within the light rail station areas that are compatible with and supportive of transit use. The redesignation of these lots will enable a type of development that will attract transit ridership, reduce number and length of vehicular trips, utilize joint access and joint parking, and create a more efficient land use by land assembly and redevelopment of under utilized parcels.

Section 10.600 Housing

The following policies are relevant to this proposal and are addressed by the applicant.

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

Policy 3: The City shall encourage housing development opportunities by promoting the development of quality, low-density single-family residential development.

Policy 6: The City shall provide for high and medium density housing in areas such as Centers and Corridors, where public and private services and economic activity necessary to support higher population densities are either present or planned for in the future.

Policy 7: The City shall seek to disperse high-density housing by focusing on areas where services, jobs and transportation facilities are present or planned to support high population densities, with emphasis on new centers.

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.

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 transition 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.

Findings: In addition to the points made by the applicant on pages 21 through 22 of Exhibit B in demonstration of the proposal's compliance with the above stated policies, it's worth discussing to some extent the points relied upon in redesignating the properties from SC to TLDR in 2002. CPA/PMA 01-8581 was a proposal to change the land use designation of lands within the Rockwood-West Gresham Area and allow attached rental housing to continue as conforming uses and be developed on remaining appropriately zoned land. The review area was broken up into Areas 1 through 9 with discussions on why the area is being redesignated. Area 8 encompasses 27 SC parcels that were changed to TLDR, including the four involved in this review (See Exhibit I for Area 8 coverage). The reason given for the change

was that “This land use reflects the actual use of these parcels. Parcels sizes and values make it very unlikely that these properties will redevelop to multi-family in the foreseeable future”. This reason was cogent in 2002 and may still be so for a majority of the Area 8 parcels to this day. However, the same could not be said about the four parcels under review. The four parcels have since been assembled into a 1.49 acre site thus making them likely to be developed to multi-family dwellings. Also the values of the land in comparison to the value of the structures currently on those parcels suggest a strong need to redevelop the parcels with higher density development. For Tax Lot 200, the ratio of land to structure is 3:1, for tax Lot 500 it is 2:1, for tax Lot 300 it is 1:0, and for Tax Lot 200 it is 1.7:1. These ratios suggest that the values of the properties are more on the land than on the structures on them. Thus the structures could be demolished without a substantial loss in value of the properties. The four parcels are therefore suited for redevelopment at a higher density commensurate with the land value.

Section 10.320 - Transportation System

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

Findings: The change in land use designation will not create a significant change in the transportation system of the immediate area or of the City. Both Development Engineering and the City's Transportation Planner have noted that they have no concern regarding this change in designation. Please refer to Exhibits F and G for details.

Based upon these findings, the proposal has been found to be in compliance with the Transportation Policies.

Section 10.321 - Trafficways

Policy 1: It is the policy of the City to provide a safe and efficient trafficway system that meets current needs and anticipated future population growth and development, and to place a high priority on maintaining and improving the capacity of the existing trafficway system.

Policy 2: It is the policy of the City to anticipate future trafficway system needs which will result from population growth and development and to pursue financial resources that are sufficient to meet these needs at that point in time when warranted.

Findings: The Trafficways policies will not be adversely impacted by the proposed change in land use designation. As noted earlier in this report, E. Burnside Street is a

Transit street with adequate capacity. Both Development Engineering and the City Transportation Planner indicate that they have no concerns with the proposal.

Based upon these findings, this proposal is found to be in compliance with the Trafficways Policies of the City of Gresham Comprehensive Plan.

Section 10.330 Public Facilities and Services

It is the City's 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.

Section 10.332 Sanitary Sewer Service

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

Section 10.333 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.

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.

Findings: Development Engineering has noted that this proposal will not have a negative effect on the noted public facilities.

The Public Safety Official has expressed no concerns regarding this proposal (Exhibit H).

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 10.414 - Economic Development

It is the policy of the City to promote diversification of the community's economic base by promoting business retention and expansion, business recruitment and marketing.

Findings: Economic Development Services and Urban Renewal support the proposed plan map amendment to change the zone from TLDR to SC at approximately 165th and Burnside for many of the same reasons cited in the staff report. The zone change would allow highest and best use of the property and leverage appropriate development around transit. Also the change better supports the intent of the Central Rockwood Plan, which calls for greater urban form within the Rockwood Town Center and at station areas.

Based upon these findings, the proposal has been found to be in compliance with the Economic Development and Urban Renewal policies of the Comprehensive Plan.

Criteria 1 Conclusion: Based on all the above findings, the proposed SC designation has been shown to be consistent with all applicable Community Development Plan Policies, and therefore satisfies Criteria 1 for Plan Map amendments.

C. Impacts on Existing or Planned Public Facilities and Services

Criteria 2 for Plan Map amendments (Section 10.013) requires a finding that:

"The proposed designation will not negatively impact existing or planned public facilities and services."

Findings: Based on comments from the City's Department of Environmental Services, Development Engineering Section (Exhibit G), the proposed SC designation is not expected to negatively impact public facilities. Development of the site will be subject to review of applicable design criteria and the public works standards.

Conclusion: Based on these findings, the proposed SC designation is not expected to have negative impacts on public facilities, and therefore is consistent with Criteria 2 for Plan Map amendments.

D. Suitability of the Site

The applicant has addressed Criterion 3(b). Criterion 3(b) for Plan Map amendments requires a finding that:

"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."

Findings: The applicant defined the vicinity as the entire city broken down into Areas 1, 2, and 3 (see Exhibit 1 Area 1 Charts and Maps in Exhibit B). The parcels under review are in Area 1 which goes from 162nd to 181st along E. Burnside. Area 2 goes from about 192nd to 199th along Burnside, while Area 3 goes from Norman to Cleveland along NE Division Street. Please refer to area maps in Exhibit B.

As pointed out by the applicant on pages 5-7 of Exhibit B, there are potentially developable SC properties within the vicinity but a close analysis reveals that none of them could pass for an alternative site for the site under review. These parcels are either too small for SC type development or not available (not for sale) to be truly considered as alternative sites.

Conclusion: Staff concurs with applicant's definition of "vicinity". Based on these findings, the applicant has demonstrated a need for the proposed designation, and that the site is suitable for the SC designation.

E. Consistency with Metro Urban Growth Management Functional Plan

The applicant has demonstrated that the proposed designation is consistent with the Metro Urban Growth Management Functional Plan (UGMFP). Discussions on pages 7 and 8 of Exhibit B point out that the Central Rockwood Plan was based on the requirements of the UGMFP which emphasizes the need to create land uses that are transit supportive. For the fact that these parcels are along a transit line and within walking distance of a transit facility, the Central Rockwood Plan assigned an SC designation on them. This proposal is a reaffirmation of that previous designation which had been deemed consistent with the UGMFP.

Based on these considerations, consistency with the UGMFP is maintained.

V. STAFF COMMENTS

TRANSPORTATION PLANNING COMMENTS

Development Transportation Planning has reviewed the proposed project and has no issues with the proposed Plan Map Amendment. Please refer to Exhibit F for additional comments.

DEVELOPMENT ENGINEERING COMMENTS

Development Engineering has reviewed this file and found that the facilities in place will likely have adequate capacity to accommodate development at the proposed land use district. Please refer Exhibit G for details.

FIRE COMMENTS

Fire has no issues with the change in zoning as long as fire flow, fire hydrant protection and building access is not adversely affected.

LIENS: Delinquent Utility Bills: 98300482; 98341411; 98271824; 98286713; 98287252; 98306467 (Collection Fees due to Atlas). Contact: Charlene Siegfried @ 503-618-2380 for payoff amounts.

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 and V of this report.

VII. RECOMMENDATION

Staff recommends that the Planning Commission recommend adoption of the proposed Plan Map Amendment from Transit Low Density Residential (TLDR) to Station Center (SC) to the City Council.

End of staff report

CB 09-08

ORDINANCE NO. 1661

AN ORDINANCE AMENDING THE GRESHAM COMMUNITY DEVELOPMENT PLAN MAP
FROM TRANSIT LOW DENSITY RESIDENTIAL (TLDR) TO STATION CENTER (SC)
(PMA 08-26000188 – DICHTER)

THE CITY OF GRESHAM ORDAINS AS FOLLOWS:

Section 1. The Gresham Community Development Plan Map is amended as follows:

City of Gresham, Multnomah County, Oregon, approximately 1.34 acre site consisting of four parcels located east of NE 165th Avenue between E Burnside Street and NE Couch Street, 1N3E31CC Tax Lots 100, 200, 300, and 500 is changed from Transit Low Density Residential (TLDR) to Station Center (SC).

Section 2. The amended Gresham Community Development Plan Map is marked as Exhibit A.

First reading: October 21, 2008

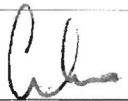
Second reading and passed: November 18, 2008

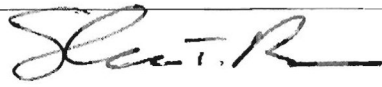
Yes: Bemis, Craddick, Nielsen-Hood, Warr-King, Widmark, Strathern

No: None

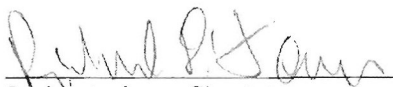
Absent: Bennett

Abstain: None


City Manager


Mayor

Approved as to Form:


Senior Assistant City Attorney

FOR MORE INFORMATION

Staff Contact: Ken Onyima

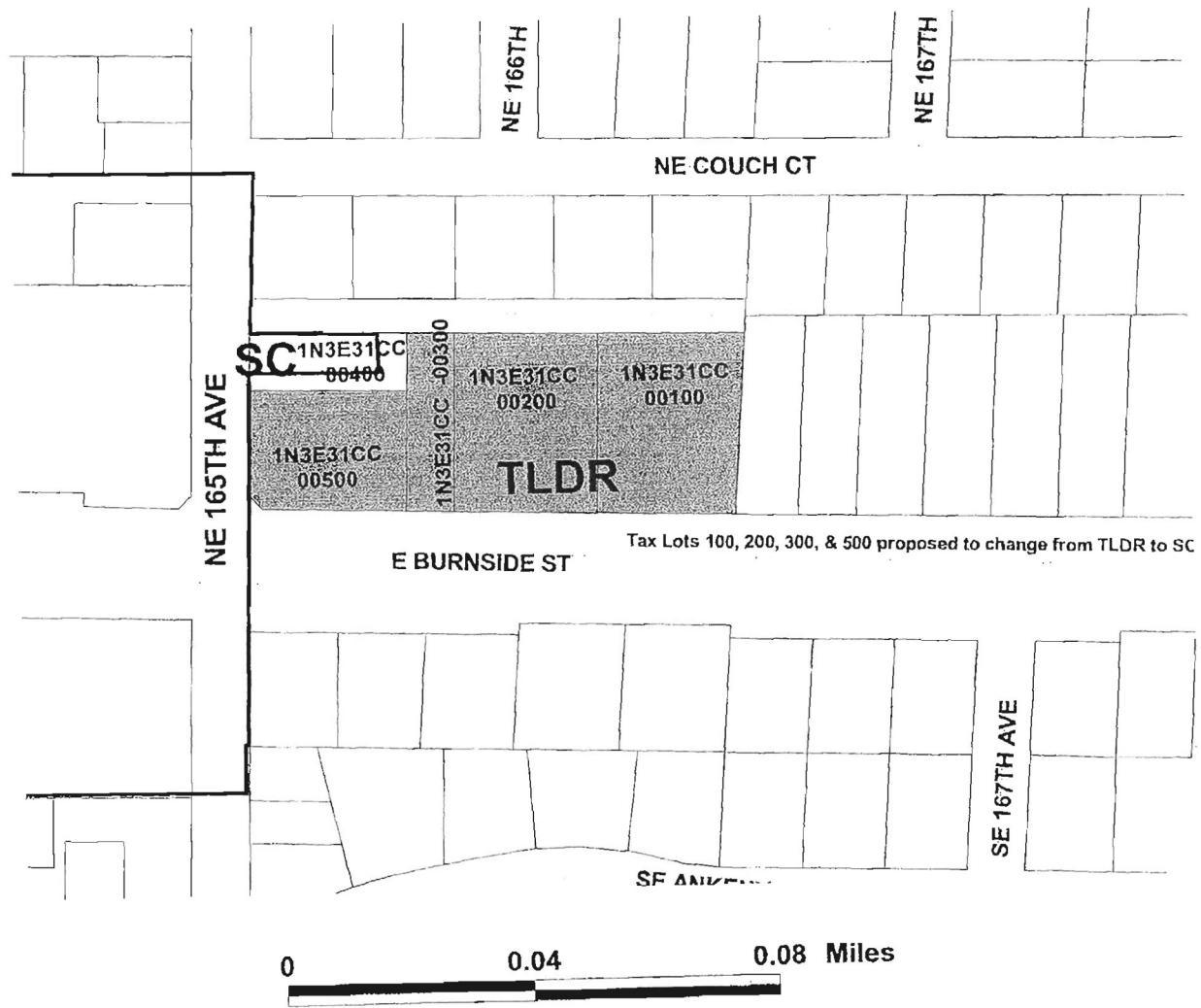
Telephone: (503) 618-2521

Staff E-Mail: ken.onyima@ci.gresham.or.us

Website: www.greshamoregon.gov/city/city-departments/mayor-and-city-council/council-advisory-committees/Planning-Commission.aspx

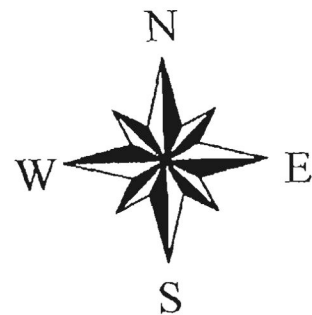
Vicinity Map

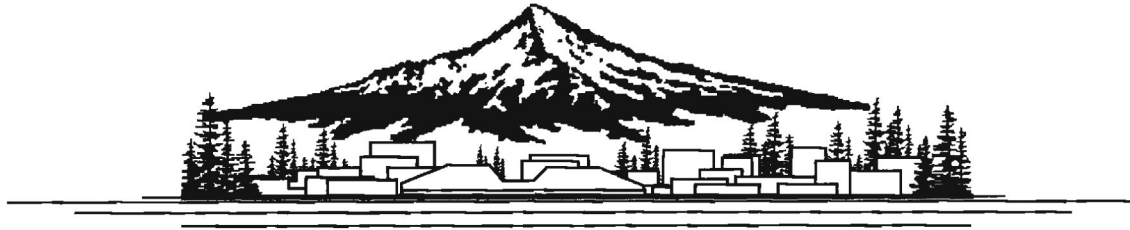
Exhibit A



FILE #: PMA 08-26000188

PROJECT: Dichter Plan Map Amendment





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

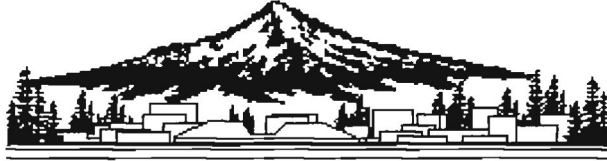
NOTICE OF FINAL DECISION

November 21, 2008

On November 18, 2008, the Gresham City Council Approved the application of **Donovan Dichter (Council Order No. 607 and Ordinance No. 1661)** contained in **Application No. PMA 08-26000188** changing the land use designation of approximately 1.34 acres from Transit Low Density Residential (TLDR) to Station Centers (SC).

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



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: PMA 08-26000188

PROJECT: Donovan Dichter PMA

I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF ADOPTION 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**

**Donovan Dichter
PO Box 69071
Portland, OR 97239**

**Lance Forney
All County Surveyors & Planners
PO Box 955
Sandy, OR 97055**

**Roger Meyer
18162 E. Burnside
Portland, OR 97233**

SIGNATURE: Tammy J. Richardson
DATE OF MAILING: November 21, 2008

CITY OF GRESHAM
DEVELOPMENT SERVICES
PLANNING SERVICES
1333 NW EASTMAN PARKWAY
GRESHAM, OR 97030

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



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