



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 11, 2006



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 002-06

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: May 26, 2006

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Ron Bunch, City of Gresham

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

MAY 08 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Gresham

Local File No.:

Previously noted as:

CPA 06-052 CPA 06-XXX

(If no number, use none)

Date of Adoption: 5-2-06

Date Mailed:

5-5-06

(Must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-26-06

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amends height limitations for buildings in Gresham's Downtown Central Urban

Core (CU) and Moderate Commercial (DC-2) districts. Also allows some

building features to project above the maximum building height.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

For clarification, change "but no greater than 60 feet" to: "which in total
does not exceed 60 feet"; change reference to windmill structures to:

"wind generators"; clarify that equipment and structures to project above

maximum building heights is "on flat roofs only", and "not to exceed 10 feet
in height".

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 9, 10, 11 & 12

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 002-06(14967)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Metro

Local Contact: Ron Bunch Area Code + Phone Number: 503) ~~XXXXXXXX~~

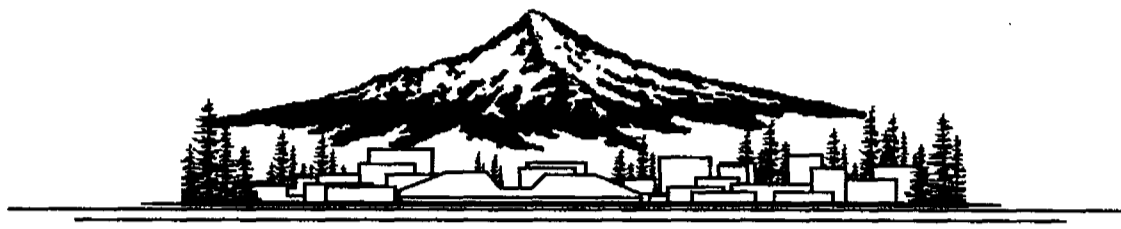
Address: 1333 NW Eastman Parkway City: Gresham
503) 618-2529

Zip Code+4: 97030-3813 Email Address: _____

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or 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.



CITY OF GRESHAM
Community & Economic Development Department
1333 NW Eastman Parkway
Gresham, Oregon 97030
(503) 618-2779

NOTICE OF FINAL DECISION

May 5, 2006

On May 2, 2006, the Gresham City Council Approved **Council Order No. 589** on the application of **City of Gresham** contained in **File No. CPA 06-052 and Ordinance No. 1628** to amend the Gresham Development Code regarding **Building Heights in the Downtown Gresham Central Urban Core (CUC) and Moderate Commercial (DC-2) districts.**

An appeal of this decision may be filed with the Land Use Board of Appeals (LUBA) within 21 days of this Notice of Decision. LUBA has the jurisdiction to review all governmental land use decisions. An appeal of a land use decision must conform to the procedures and requirements of LUBA. They may be contacted in Salem at:

LUBA
550 Capitol Street, NE – Suite #235
Salem, Oregon 97301-2552
(503) 373-1265

Proposed new text is double-underscored.
Proposed deleted text is ~~stricken through~~.

CB 11-06

ORDINANCE NO. 1628

AMENDMENT TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, REGARDING BUILDING HEIGHTS IN THE DOWNTOWN CENTRAL
URBAN CORE (CUC) AND DC-2/MODERATE COMMERCIAL DISTRICTS

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 3.0010 is amended as follows:

Section 3.0010 -- Definitions

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. ~~The topmost story shall include~~ be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, including a hipped or other angled/pitched roof. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 per cent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

Section 2. Volume 3, Development Code, Section 4.1130 is amended as follows:

Table 4.1130 Downtown Plan Sub-Districts Development Standards

	CUC	DT	DR-30	DC-1	DC-2	DR-12
(H) Maximum Building Height	45 feet <u>4 stories, which in total is not to exceed 60 feet</u>	80 feet	45 feet	40 feet	40 feet <u>4 stories, which in total is not to exceed 60 feet</u>	35 feet

Section 3. Volume 3, Development Code, Section 9.0901 is amended as follows:

Section 9.0901 -- Projections Above the Maximum Building Height

(B) Projections above the Maximum Building Height. The following structures may project above the maximum building height:

- (1) Solar collector equipment;
- (2) Wind generators ~~Windmill structures~~ for the private generation of energy;
- (3) Antennas;
- (4) Spires or Turrets;
- (5) Elevator equipment and stair enclosures, on flat roofs only;

- (6) Heating, ventilation and air conditioning equipment enclosures, on flat roofs only;
- (7) Roof gardens, courtyards and ancillary structures, not to exceed 10 feet in height, on flat roofs only."

First reading: April 18, 2006

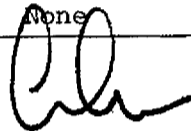
Second reading and passed: May 2, 2006

Yes: Becker, Echols, McIntire, Bemis, Widmark, Warr-King

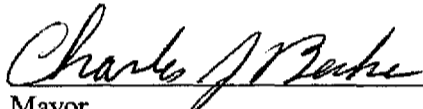
No: None

Absent: Craddick

Abstain: None



City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENT TO VOLUME) Order No. 589
3, DEVELOPMENT CODE, OF THE GRESHAM)
COMMUNITY DEVELOPMENT PLAN,) CPA 06-52
REGARDING BUILDING HEIGHTS IN THE)
DOWNTOWN CENTRAL URBAN CORE (CUC))
AND DC-2/MODERATE COMMERCIAL DISTRICTS)

On April 18, 2006, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding a change to the building height limitation for buildings in the Downtown Central Urban Core (CUC) and Moderate Commercial (DC-2) districts. The change would allow some building features, such as elevator equipment and stair enclosures to project above the maximum building height on buildings with flat roofs only.

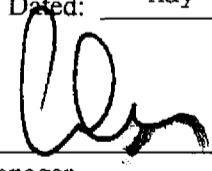
The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the April 18, 2006 meeting, and a decision was made at the May 2, 2006 meeting.

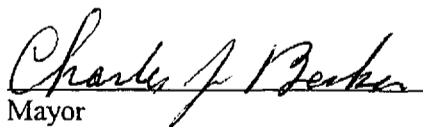
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: May 2, 2006



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 06-52

A public hearing was held on March 13, 2006, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan regarding building heights in the Downtown Central Urban Core (CUC) and Moderate Commercial (DC-2) Districts.

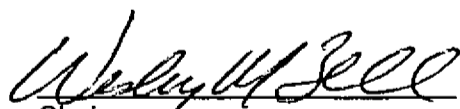
The Commission closed the public hearing at the March 13, 2006 meeting, and a final recommendation to Council was made at the March 13, 2006 meeting.

Wesley Bell, Chairperson, presided at the hearing.

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

The Planning Commission recommends **ADOPTION** of the proposed Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached staff report with the following additions/amendments:

See attached Planning Commission Memorandum


Chairperson
3/13/06
Date

Type IV Recommendation Order – Page 2
Gresham Planning Commission Memorandum
CPA 06-52

The Gresham Planning Commission recommends adoption of the proposed Development Code amendments to the Gresham City Council based on the findings, conclusions and recommendations of the staff report with the following changes:

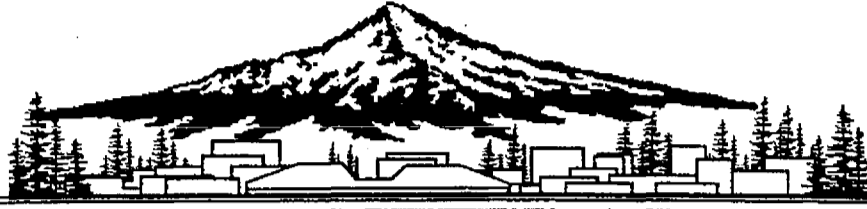
Section 3.0010 – Definitions: Remove "except that" from the first sentence and end sentence there. Begin new sentence with "The topmost story....."

Table 4.1130 – Downtown Plan Sub-district Development Standards: In the CUC and DC-2 subdistricts, replace proposed language "but no greater than 60 feet" with "which in total is not to exceed 60 feet".

Section 9.0901 – Projections above the Maximum Building Height: (B)(2) – replace "Windmill structures" with "Wind generators".

Section 9.0901 – Projections above the Maximum Building Height: (B)(7) – change to read "Roof gardens, courtyards and ancillary structures, not to exceed 10 feet in height, on flat roofs only."

In addition, the Planning Commission recommended that staff review Section 9.0900 – Projections and bring back information regarding placing maximum height requirements on building projections and potential Measure 56 issues to the Commission at a future meeting.



MEMORANDUM

*Comprehensive Planning
Community & Economic Development Department
City of Gresham*

**STAFF REPORT
TYPE IV GRESHAM COMMUNITY DEVELOPMENT CODE AMENDMENT**

**AN AMENDMENT TO VOLUME 3, DEVELOPMENT CODE, OF THE
GRESHAM COMMUNITY DEVELOPMENT PLAN REGARDING BUILDING
HEIGHTS IN THE DOWNTOWN CUC/CENTRAL URBAN CORE AND DC-
2/MODERATE COMMERCIAL DISTRICTS**

TO: City of Gresham Planning Commission

FROM: John Pettis, Associate Planner
Ron Bunch, Principal Planner

HEARING DATE: March 13, 2006

REPORT DATE: March 2, 2006

FILE NUMBER: CPA 06-52

PROPOSAL: This proposal would amend the Gresham Development Code (GDC) as follows:

- Change the height limitation for buildings in the Gresham CUC/Central Urban Core and the DC-2/Moderate Commercial districts from 45 feet and 40 feet respectively to four stories, with an overall cap of 60 feet for total structure height.
- The definition of story would be amended to clarify that hipped and other angled roofs are to be considered as part of the "topmost story" of a building.
- The proposal would also allow some building features such as elevator equipment and stair enclosures to project above the maximum building height.

Parts of the GDC that are affected by these amendments are: Section 1, Volume 3 Section 3.0010, Definitions; Section 2, Volume 3 Section 4.1130, Downtown Plan Sub-Districts Development Standards; and Section 3, Volume 3 Section 9.0901, Projections Above Maximum Building Height.

EXHIBITS:

A. Proposed Text Amendments (Council Bill Format)

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Gresham Development Code amendments as shown as Exhibit "A".

**SECTION I
BACKGROUND INFORMATION**

This amendment to the Gresham Community Development Code (GDC) was initiated by the City Council in response to the request of the Gresham Downtown Development Association (GDDA) to provide design flexibility for the development of multi-story structures in two land use districts of the Historic Downtown.

Prior to Council's initiation of the proposal, GDDA had worked with City staff to review the design characteristics of contemporary multi-story mixed-use buildings. During this process it was determined that the City's height limitations for multi-story – mixed use buildings in the CUC and DC-2 downtown land use districts were in some ways incompatible with modern development/design practices. These height limits presently allow a building with four floors to have up to 10 feet high (approximately) ceilings.

The reasons for this incompatibility are that contemporary users often desire higher ceilings in these kinds of buildings. For example, bottom story commercial and office uses often prefer ceilings in the 12-14 foot or even greater range. Modern upper story residential uses such as condominiums are often designed with up to 12 foot high ceiling heights. In addition, about 2 feet per floor is often needed to accommodate heating, ventilation and air conditioning (HVAC) ducts and equipment. Therefore, the need for higher ceilings combined with HVAC and structural systems often result in modern four story building designs that readily exceed 45 feet.

Also, multi-story buildings require sophisticated roof systems. This is another reason to provide for additional design flexibility for these kinds of buildings. Roofs are often important functional and aesthetic features of multi-story buildings. Many times roofs accommodate alternative energy systems, HVAC and elevator systems, and outdoor living areas such as roof gardens and patios. Therefore, this proposal also seeks to exempt some of these elements from the Code's height limits to take into consideration practical design and engineering issues and aesthetics. It is important to note that the items exempted from the height projections are restricted to flat roofs where they would be less visible from the street and can be better screened than if they were located on angled roofs. Finally, allowing for hipped and other types of angled or pitched roofs to be considered as part of the top story of a building can result in greater visual

variety and design options for multi-story buildings, both in regard to their exterior appearance and in the layout of interior spaces.

The City has determined in the following findings that providing this design flexibility for multi-story structures is important to make it possible for desired mixed-use and higher density, high quality housing to locate in downtown. This is important to meet the City's Regional Center development goals and to respond to recent market interest in constructing such buildings.

On the other hand GDDA and the City realize that the pedestrian scale design quality of the CUC and DC-2 downtown districts are important elements/characteristics of the downtown. This is why the number of building stories continues to be limited to four.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE
PROCEDURES / STANDARDS**

- | | | |
|----|--|---|
| A. | Sections 11.0205, 11.0300, and 11.0400 | Type IV Legislative Procedures, Hearings and Notice |
| B. | Section 4.1130 | Downtown Plan District |
| C. | Section 9.0900 | Projections |

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- | | |
|--------|--|
| 10.014 | Land Use Planning -- Goal; Policies 1, 2, 23 |
| 10.100 | Citizen Involvement -- Goal; Policies 11 |
| 10.314 | Downtown Area Development -- Policy |

**SECTION IV
FINDINGS OF FACT - CONFORMANCE TO THE
COMMUNITY DEVELOPMENT PLAN**

The proposed amendments to Volume 3 (Development Code) of the Gresham Community Development Plan are consistent with all applicable criteria of the Community Development Plan as indicated by the following findings and conclusions.

Community Development Code

Sections 11.205, 11.0300 and 11.0400 – Public Deliberation and Hearings and Legislative Actions: This amendment involves amendments to the Community Development Plan identified in this section as a legislative action requiring a Type IV Land Use Procedure. Required notice

of the public hearing for this text amendment has been published in the *Gresham Outlook* in accordance with the requirements of this article. Both the Planning Commission and City Council will consider this proposal at public hearings in conformance with this section.

Section 3.0010 – Definitions: The existing definition of story indicates that the section of a building that is determined to be the “topmost story” includes the “ceiling or roof above”. The language that would be added to this definition merely clarifies that a hipped or other type of angled roof (in addition to a flat roof) is to be included as the “roof above”.

Section 4.1130 - Downtown Plan District: The existing CUC 45 foot height limit and DC-2 40 foot height limit are intended to accommodate a four-story building. The proposed change to these maximum building heights is intended to still accommodate a four-story building, consistent with the intent of the existing standards, but also allow for higher ceilings than are now possible under the 45 ft. and 40 ft. height limits. The allowance for higher ceilings is needed in order to make contemporary multi-story buildings marketable to a wider segment of prospective commercial/office users and residential tenants/owners.

Section 9.0900 – Projections: This section of the development code allows these building features to “project above” or exceed the maximum building height of a plan district. Items (5), (6) and (7) per Exhibit “A” are proposed to be added to the list. These include structures containing HVAC equipment, stairs and elevator equipment that are often located on roof tops. The added projections are restricted to flat roofs where they would be less visible from the street and can be better screened, than if they were located on angled roofs.

Approval Criteria - Applicable Community Development Plan (Comprehensive Plan) Policies

The following are the Community Development Plan policies that relate directly to this proposal. Findings are provided to illustrate how the proposal conforms to the Community Development Plan.

Chapter 10.014 Goal 2: Land Use Planning, Land Use Policies and Regulations Goal and Policies 1, 2 and 23

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 shall also serve the best interests of Gresham.”

Findings: The City finds that updating its development regulations to be consistent with contemporary multi-story building design and development practices is essential to ensuring development of its Regional Center as envisioned by the Comprehensive Plan and the Gresham Downtown Plan. Land uses and development practices change over time as necessary to accommodate marketing, lifestyle preferences and new technologies. It is important that Gresham’s land

use standards and codes be updated to accommodate these changes, particularly to promote the type of development which achieves its land use objectives; which in this case is to encourage multi-story mixed-use development in the downtown.

Also, the Historic Gresham Downtown is an integral part of the Metro designated Gresham Regional Center. The Metro Regional Center design type calls for the development of compact high density mixed-use development. In order to achieve these local and regional objectives, Gresham's development regulations must be able to accommodate contemporary development practices and needs that will make this desired development type possible.

Conclusion: The proposed amendment is consistent with the above Land Use Planning Goal and Policy 1 because it updates the GDC to accommodate contemporary development practices and needs pertaining to multi-story mixed-use buildings. This ensures that both local and regional needs and objectives for "Regional Centers" are realized.

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

Findings: Gresham's Comprehensive Plan is very specific in that compact, intense, mixed use development is to be promoted in its Regional Center. For example, the Comprehensive Plan's Downtown Area Development Policy, Section 10.314 states, "*It is the City's policy to create an image of the Downtown area as the focal point of the Community's business and social activities by providing for a variety of land uses and the highest development densities.*" This section of the Comprehensive Plan goes on to state in an implementation strategy that, "*The City will promote high intensity mixed use development in and around the existing central business district.*"

Therefore, because GDDA and the City have learned that contemporary design and development practices/ preferences often require that multi-story, mixed-use buildings have higher ceiling heights, and that roof areas are important aesthetic and functional features, it is important to take actions to ensure that the City's land use standards do not impede such development.

Conclusion: Based on the above findings, it is concluded that the proposal to address contemporary design and development of modern – mixed-use buildings is consistent with and implements the City's Comprehensive Plan.

Policy 23: "Gresham shall coordinate the development, adoption and amendment of its land use related goals, policies and implementing measures with other affected jurisdictions, agencies and special districts."

Findings: The proposal to amend the Gresham Development Code has been coordinated with affected jurisdictions, agencies and special districts through the Post

Acknowledgment Plan Amendment process required by the Department of Land Conservation and Development (DLCD). After mailing a notice of this proposal, no comments have been received from DLCD, Metro or other agencies, other jurisdictions or special districts.

Conclusion: Based upon the above findings it is concluded that the proposal to amend the Gresham Community Development Code complies with the above Goal 2, Policy 23.

Chapter 10.100 Citizen Involvement – Goal and Policy 11

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 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 City has provided notice of the proposed legislative amendments to the Gresham Development Code pursuant to all requirements of state statute and the Gresham Development Code as stated above. A notice of this proposal was published in the local newspaper, the *Gresham Outlook*. A copy of this notice is contained within the relevant file, CPA-06-52.

The public has had other opportunities to become aware of this proposal and participate in the legislative process. For example, City staff has participated in public meetings with GDDA to review contemporary multi-story building construction and development practices. At these meetings GDDA was specific in expressing the need for these standards to promote mixed-use development in the downtown. Public work sessions regarding this matter were also held with the Planning Commission and the City Council. Newspaper articles about the proposal appeared in the *Gresham Outlook* and the City Council initiated the legislative Code change in a public meeting.

Conclusion: The City has ensured that the public has had complete and timely access to all public information concerning this particular land use application. Therefore, the City's actions are consistent with and implement the above Citizen Involvement Goal and Policy 11.

Chapter 10.312 Commercial Land Use

Policy 1

Strategy #5: “The City will promote focused commercial development in downtown and Central Rockwood to take advantage of expected increased population densities in and around these areas as a result of the light rail system. Downtown will be the

focus of retail and office development while transit-oriented retail, service, and office development will be promoted in Central Rockwood.”

Policy II: “It is the City’s policy to encourage commercial development which increases employment opportunities; reduces dependency on outside-of-city goods and services; promotes energy efficient travel patterns; is compatible with neighboring land uses; and promotes good community design.”

Findings: These amendments are intended to remove development code barriers that discourage greater mixed-use development in downtown. Mixed-use buildings typically have their first, and sometimes second floors as well, devoted to commercial/office uses. As previously stated in Section I of this staff report, the trend for contemporary mixed-use buildings is to have higher ceiling heights (14 ft.+) for their commercial tenants, than was the case in the past. These amendments will provide for these higher ceiling heights and offer greater design options/flexibility so that current market design demands for mixed-use buildings can be met.

Doing so will help to carry out the above commercial policy and implementation strategy by helping to make downtown realize its potential of being a major center for retail and office development. The amendments will also encourage a form of intense commercial development that supports the light rail system and that will provide more job creation and economic development in downtown than lower intensity commercial uses.

Chapter 10.314 Downtown Area Development

Downtown Area Land Use Policy: “It is the City’s policy to create an image of the Downtown Area as the focal point of the community’s business and social activities by providing for a variety of land uses and the highest development densities.”

Findings: As also stated in the previous findings, GDDA and the City have learned that contemporary design and development practices/preferences often require that multi-story, mixed-use buildings have higher ceiling heights and that roof areas are important aesthetic and functional features. Therefore, these amendments to the GDC are being made to ensure that the City’s land use standards do not impede such mixed-use development and that the Gresham Historic Downtown develops as envisioned by this Comprehensive Plan policy.

Conclusion: Based on the above findings, it is concluded that the proposal to address contemporary design and development of modern – mixed-use buildings is consistent with and implements the above Downtown Area Land Use Policy.

SECTION V
CONSISTENCY WITH METRO URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN AND STATEWIDE PLANNING GOALS

The Gresham Community Development Plan is consistent with the Metro Functional Plan and Statewide Planning Goals and Administrative Rules. Findings and conclusions for all amendments to the Gresham Community Development Plan must demonstrate continued compliance with regional and state requirements.

Metro Functional Plan

Findings: This proposal to amend the Community Development Plan will not affect the implementation of Metro Functional Plan Titles 2, 3, 4, 5, 6 or 7. Furthermore, these changes do not affect any land use designations that would negatively affect the City's compliance with Title 1, Housing and Employment Capacity. In fact, since these amendments will promote greater high intensity mixed-use development in Gresham's Regional Center, they will have a positive impact and help to accomplish the Functional Plan's goal of concentrating a large share of future growth in centers and achieving a compact urban form for the region.

Conclusion: The proposal is consistent with the requirements of the Metro Functional Plan.

Statewide Planning Goals

Findings: The proposal, because it relates to the potential to develop mixed uses in the City's Regional Center, affects Statewide Planning Goals 9 and 10, Economic Development and Housing. The impacts of the proposal are positive because, as per the previous findings it promotes the development of these desired uses.

The State, Metro, and the City have determined that viable mixed-use developments are important economic development and housing components of Regional and Town Centers and should be promoted. This is because this land use type promotes the efficient use of valuable urban land; provides for an efficient and orderly arrangement of public facilities and services and helps reduce auto use. Mixed-use development also provides a valuable housing type close to transit, areas and services and thus contributes to meeting local housing needs.

Conclusion: The proposal is consistent with the Statewide Planning Goals, specifically with Goals 9 and 10 for the reasons provided above.

**SECTION VI
OVERALL CONCLUSION**

The proposed Gresham Community Development Code amendments, as presented in Exhibit A, are consistent with applicable decision-making criteria, including the Gresham Development Code, the goals and policies of the Community Development Plan, Metro Functional Plan and the Statewide Planning Goals, as described in this report.

**SECTION VII
RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Gresham Community Development Code amendments as contained in Exhibit A.

End of Staff Report



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 06-052 PROJECT: City of Gresham – Downtown Building Heights
I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF FINAL DECISION TO THE FOLLOWING PARTIES:

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

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

Kathy Everett, Director
GDDA
323 NE Roberts
Gresham, OR 97030

SIGNATURE: *Tammy J. Richardson*

DATE OF MAILING: May 5, 2006