



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 1, 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 006-05

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: March 17, 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
Christine Valentine, DLCD Natural Hazards & Floodplains Specialist
Ron Bunch, City of Gresham

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FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

FEB 27 2006

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Gresham Local File No.: CPA 05-2000

(If no number, use none)

Date of Adoption: 2-21-06 Date Mailed: 2-24-06

(Must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9-8-05

- 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."

Update Goals, Policies and Action Measures pertaining to Statewide Goal 7
and Statewide Goal 10.

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."

Minor format changes. No substantive changes. Same.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 7 & 10

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 006-05 (14666)

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, Oregon Dept. of Housing, DOGAMI

Local Contact: Ron Bunch Area Code + Phone Number: 503) 618-2529

Address: 1333 NW Eastman Parkway City: Gresham, OR

Zip Code+4: 97030-3813 Email Address: ron.bunch@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 (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.

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

CB 02-06

ORDINANCE NO. 1620

**AMENDMENTS TO VOLUME 2, POLICIES, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, REGARDING STATEWIDE GOAL 7, NATURAL HAZARDS –
AREAS SUBJECT TO FLOODING, EARTHQUAKES AND LANDSLIDE HAZARDS; AND
STATE GOAL 10 HOUSING (RESIDENTIAL LANDS)**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Existing Section 10.311 and Section 10.600 (10.610, 10.630, 10.640, 10.650 and 10.660) Volume 2, Policies, of the Gresham Community Development Plan are repealed and replaced with the following Section 10.600:

10.600 HOUSING

STATEWIDE PLANNING GOAL 10: HOUSING

Background

Population, Housing Growth and Jobs / Housing Balance

The City of Gresham is the second largest city in the Portland Metropolitan Region. It has grown from a small rural community to a mid-sized city. In 1960 Gresham's population was about 4,000 persons. Today it is a city occupying about 12,165 acres of land with about 95,000 residents.

In the past both rapid in-migration and annexations of unincorporated Multnomah County lands in the late 1980's contributed to Gresham's rapid growth. Future residential growth will occur from development of remaining vacant land inside the City and redevelopment, primarily in the City's Regional and Town Centers and along major transportation corridors. Also new residential growth will occur on new lands Metro has added to the regional Urban Growth Boundary (UGB). This includes approximately 1,500 acres added to the UGB in 2000 directly south of Gresham. This area, called Pleasant Valley is expected to accommodate a future 5,000 residential units and about 5,000 jobs. Also, in 2004, the Springwater area, about 1,350 acres southeast of Gresham along Highway 26, was included in the UGB. Springwater is expected to mainly accommodate the City's employment needs through future industrial and ancillary office development. Up to 17,000 additional jobs are expected at build-out.

Even though Springwater is expected to be mainly a jobs center, several hundred residential units are planned on lands not suited for industrial/employment purposes due to topography and natural resource constraints. Housing in Springwater will provide residential opportunities for future workers and managers of area businesses. Build out of both Pleasant Valley and Springwater is anticipated by 2030.

Over the years, Gresham has developed primarily as a residential community. Compared to other jurisdictions and the Portland Metro region as a whole, Gresham has fewer jobs in proportion to its households. This is evidenced by the City's jobs to household ratio of 1.17 to 1 compared to a regional average of 1.7 jobs per household.

A low job to household ratio raises several issues. For example, many Gresham residents have to travel elsewhere to work. Gresham workers average one of the longest commutes in the region. This increases traffic congestion and air-pollution. Also, compared to other Metro area cities, Gresham's total, taxable,

assessed property value per capita is one of the lowest in the region. Reliance on property taxes from a largely residential land use base limits Gresham's ability to provide needed municipal services. Other cities in the region have more diversified tax bases because they have proportionately more industrial and other employment related land uses.

Gresham is making a major effort to address its jobs and housing imbalance by planning Springwater area for industrial and other employment related development. Future development in these two areas figures prominently in the City's future household and employment growth. The City estimates that future employment growth will increase faster than households. Therefore, in 2030 it is projected that Gresham will have 10,894 new households and 49,232 new jobs (all employment sectors). Total Gresham population in 2030 is expected to be about 130,000 people with an employment base of 88,000 jobs. If realized, this would result in a Gresham's jobs to household ratio of 1.86 to 1.

More detailed information of Gresham's residential land use characteristics can be found in Gresham's Residential Land Use Inventory, Appendix 6 – Volume 2, 2003 Periodic Review.

Residential Land Use Characteristics¹

Residential development is Gresham's primary land use. Within the City there are about 39,000 housing units that occupy over half (57%) of all developed land. Furthermore, the vast majority of tax lots in Gresham are occupied by residential land uses. The City is currently comprised of 26,012 separate tax lots that total about 12,200 acres. Tax lots currently zoned for residential and mixed-use development that allows residential development account for 25,531 tax lots (98% of total tax lots) and approximately 9,649 acres, or about 80% of the city's acreage.

One of the most striking trends of Gresham's residential growth has been the increasing growth of multi-family units. For example, in 2005 there were about 21,000 single-family and 18,000 multi-family units in the city - a ratio of about 54% to 46%. Comparatively this ratio was 63% single-family to 37% multi-family units in 1986. This has occurred even though lands designated for multi-family and mixed-use development comprise a very small portion, 10%, or 1,156 acres of the city's total residential land.

Most of the residential land inside Gresham has been developed. There are about 1,100 acres of vacant residential land currently remaining inside the City limits. However, less than half, about 450 acres, is considered buildable. Lands are considered unbuildable when they are constrained by environmental factors and ownership, such as land owned by school districts, churches, fraternal organizations, etc. Most of the vacant residential land is found in the Low Density Residential (LDR) District. This currently comprises about 300 acres. The mixed-use districts and a small amount of multi-family (apartment) designated land account for the remainder.

In addition to the vacant and unconstrained residential land some future residential development might occur on about 116 acres of underutilized land. These are parcels that are developed, but have an undeveloped portion of one-half-acre or more in size. This makes it possible for these parcels to accommodate further development.

Furthermore, there is considerable nonconforming development within residential districts. These properties could be redeveloped for their allowed residential uses. For example there are currently 690 parcels accounting for approximately 238 acres of land that are zoned for multi-family uses but currently have a single-family dwelling on them. This makes it possible, when market conditions are right, to consolidate tax lots and redevelop them at higher densities. Also, approximately 2,500 acres, about 26% of the city's residential and mixed-use land, is occupied by other kinds of nonconforming land uses.

¹ The numbers and percentages presented in this overview are estimates of current conditions. A detailed inventory of residential land and its characteristics was completed in 2003, but substantial single and multi-family development has occurred since then. It is expected as time goes on that developable land will become scarcer inside Gresham and the numbers quoted in this report will change.

Redevelopment to residential uses could occur when market conditions are right. These nonconforming uses include commercial and community service land uses, open space and some under-utilized public rights of way.

As mentioned previously, a significant trend has been the growing proportion of multi-family² units compared to single-family homes. Multi-family units/apartments have increased substantially in Gresham over the last 15 years.

Today because of this rapid growth, there is a relatively small amount of vacant multi-family land in the city compared to a decade ago. Currently, less than 100 acres of designated multi-family land remains undeveloped. This comprises about 115 parcels. Once environmental constraints are considered, the total number of developable acres declines to about 65 developable acres. This includes very few large parcels, which could accommodate larger multi-family only projects.

The above factors, lack of large developable parcels, underutilized properties, non-conforming uses, etc will likely result in a greater amount of residential infill and redevelopment than has been experienced in the past. Typically, infill development and redevelopment are more complex and have more planning and design issues than developing greenfields. The exception will be in Pleasant Valley and portions of Springwater where large-scale greenfield developments will be subject to specific annexation and master-planning requirements.

The City's Land Use Planning Program and Affordable Housing

The City of Gresham and other Metro jurisdictions are subject to Title 7 of the Metro Regional Functional Plan (adopted 2001). Title 7 requires jurisdictions to voluntarily attempt to achieve regional affordable housing goals. Each of the region's 27 jurisdictions accepted a Regional Affordable Housing Strategy (RAHS), which they committed of their own accord to implement. For example, each jurisdiction was to consider several land use strategies intended to reduce barriers to the production of affordable housing. This included tools such as allowing accessory dwelling units, reducing permit and utility fees charges, system development charge abatements, adopting inclusionary zoning, etc. The City of Gresham has complied with Metro's requirements by "considering all the required land use strategies". Some, but not all, of these measures have been adopted.

Gresham's housing stock is generally more affordable than that of many jurisdictions in the region. From this perspective, it is important to note that the median price for single-family homes in Gresham in 2005 was about \$165,000. At current interest rates, homes beginning at this price and lower are affordable to families making 51% to 80% of median family income.³

Apartments in Gresham are also generally more affordable than elsewhere in the region. A survey was conducted in 2005 of the average rents of both new and older apartments. This study found that average rents were, per HUD limits, "affordable" to persons at 60% of median-family income. In view of the large number of apartments in Gresham, it was found that the city exceeds its Regional Affordable Housing Share benchmarks in the 51 – 80 % median family income categories.

However, like many other Cities, Gresham has not kept pace with its RAHS five-year "production goal" of 556 units for persons below 51% of MFI. The reason is the amount of public subsidy required. The total cost of this amount of housing is probably in excess of \$30 million.⁴ Even though the City of Gresham is a Federal Entitlement Jurisdiction, and receives CDBG and Home Funds, it does not have the resources to address the scope of need.

² Multifamily housing units are defined as apartments and manufactured homes in parks and a small percentage of "other" housing types. The defining characteristic of multifamily housing is more than one unit on a single tax lot. Single-family units include attached single-family row houses built on their own lots.

³ Based on 80% of 2005 FHA Mortgage Limits

⁴ Andree Tremoulet; First and Second City of Gresham Annual Reports to Metro – Concerning Implementation of Title 7, Functional Plan Requirements

Per state and federal law, Gresham's land use program places no barriers to the development of affordable housing of all types. Those who administer the City's land use policy and development program work directly with the City's Community Revitalization Section, the Housing Authority of Portland and private providers, to ensure Gresham residents have access to affordable housing opportunities

However, it is likely that Gresham will have to consider several land use related affordable and special needs housing issues in the future. Among these is the need to promote the rehabilitation/ redevelopment of the City's aging apartments and single-family homes.

State and Metro Housing Requirements

Metro and Statewide Planning Goal 10 and its Metro Housing Rule establish the statutory framework within which Gresham implements the housing element of its land use-planning program.

Statewide Planning Goal 10: Statewide Planning Goal 10 directs jurisdictions, "to provide for the housing needs of the citizens of the state." The Goal states that, "buildable lands shall be inventoried and Plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels, which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

Gresham completed Periodic Review of its Comprehensive Plan and implementing land use program in 2004. At that time, the state acknowledged that the City's plan and implementing measures were consistent with the requirements of the Statewide Planning Goal and administrative rules.

Goal 10 Metropolitan Housing Rule: In addition to the general requirements of the Goal, the City must be in compliance with state administrative rules pertaining to housing. The applicable administrative rule is OAR 660--007--0000, Division 7, Metropolitan Housing. The rule requires that larger Portland area and jurisdictions such as Gresham:

- Provide the opportunity for a net density of 10 units an acre with the opportunity for a 50-50 mix of attached and detached units⁵.
- Provide clear and objective approval standards for needed housing. These standards must not have the effect of discouraging needed housing through unreasonable cost or delay⁶.
- Apply specific land use plan designations for residential uses.
- Not impose any restrictions on housing tenure that restricts the construction of either rental or owner occupied housing, unless such restriction is justified by an analysis of housing need according to tenure or otherwise demonstrate that such restrictions comply with ORS 197.303 (a) and ORS 197.490.
- Conduct a buildable residential lands inventory that documents the amount of buildable land in each residential plan designation.

The Metro Regional Functional Plan (Title 1): Title 1 of the Metro Functional Plan requires Metro area jurisdictions to provide the opportunity for a specific number of new housing units to be developed within their boundaries. In 1996-97 following an extensive redesignation of land to higher densities, Gresham agreed with Metro to provide a target of 16,817 new units within its existing boundaries for the period 1994-2017. Another 5,000 units, for total of 21,817, was added later to take into account the future development of Pleasant Valley. The timeframe was extended to 2020.

⁵ In Gresham's case, its land use program provides the opportunity for development to occur at a density of 14.5 units per acre and with a 62.5—37.5% mix of attached versus detached units.

⁶ Needed Housing is defined by the rule as those housing types determined to meet the need for housing within an urban growth boundary and a particular price range or rent levels. Types of housing included by the definition include attached and detached single-family housing and multiple family housing for both owner and renter occupancy; government assisted housing; mobile home or manufactured dwelling parks; manufactured homes on individual lots in addition to those within designated manufactured dwelling subdivisions.

Metro has also established several "design types" for the region. Metro requires general conformance to the design types designation to achieve the urban form goals of the Region 2040 Plan. Design type designations require the opportunity for specific number of residential units, population or job numbers to be accommodated in areas such as transit corridors, single-family residential neighborhoods, employment areas, regional centers, neighborhood centers, etc.

Gresham has accommodated more than one half of its housing targets for land inside the City. Much of this development occurred on vacant residential land. The assumption when the City's Housing Capacity Report was developed in 1998-99 was that mixed-use housing, both new construction and redevelopment within corridors, regional and town centers would accommodate a significant amount of the housing target. However, this housing type has not yet developed to the extent that it contributes significantly to Gresham's overall housing stock.

Future Issues Population and Housing Growth

In 1998 the City established the basis to achieve its impressive housing target numbers by changing land use designations, particularly single-family residential, to higher densities. After this, Gresham agreed with Metro on its 1994 - 2017 housing target numbers. This and other related land use policy actions have caused significant concern among many in Gresham. Many are concerned with issues such as the design quality and character of new development, land use compatibility problems with existing single-family residential neighborhoods, traffic congestion and safety issues, and the view that City services cannot keep up with growth.

In March 2004, the City Council appointed an ad-hoc Community Land Use Task to focus on Land Use Issues of broad community concern. Council directed the Task Force to present recommendations to address its findings. After meeting for several months the Task Force presented Council with several proposals to address land use related issues.

The City is now engaged in a long term planning effort to implement the following and other recommendations intended to improve the City's quality of life:

- Greater choice for those seeking single-family residential housing including larger single-family lots;
- Site and building design standards, especially for infill development, and other measures to ensure compatibility between existing neighborhoods and dissimilar residential and other land uses;
- Improved tree protection, landscape and streetscapes standards;
- Habitability standards to improve the quality of existing rental housing;
- Improved design standards for multi-family and attached single-family housing;
- Actions to ensure more cohesive and livable residential neighborhoods.

Summary of Major Issues

- There has been rapid residential growth in Gresham during the past twenty years. The City has grown from a small rural community to a mid-sized suburban City. A significant characteristic of residential growth has been the substantial increase in the growth of multi-family housing.
- Gresham has developed as primarily a residential City. Many residents commute to jobs elsewhere in the region. Consequently, the City has much lower jobs to household ratio than the region's overall average and other Metro area jurisdictions.
- Most easily developable residential land within the City limits has been built on. There are very few large single and multi-family parcels remaining. There will be more residential development on harder to develop infill properties and underutilized land. The most significant large-scale residential development will be in the Pleasant Valley and Springwater urban growth areas.

- Gresham complies with Metro Functional Plan Title 1 and Statewide Planning Goal 10, Housing Requirements. However, mixed-use housing, a substantial part of the City's projected housing growth has not materialized. Progress in meeting the City's Metro Housing target has occurred primarily through development of more easily developed, vacant residential land.
- Gresham exceeds the state requirements to provide the opportunity for development to occur at a 50-50 mix of attached and detached dwelling units and at a density of 10 units an acre. Gresham provides the opportunity for density to occur at 14.5 units an acre and at a 62.5 -37.5 mix of attached / detached units.
- Gresham provides substantial low and moderate-income market rate housing. However, like other jurisdictions, the largest assisted housing need is for those persons with incomes below 51% of median-family income. This type of housing requires a very high level of public subsidy, much beyond the capacity of the City.
- Gresham's land use program provides opportunities to develop the full range of assisted and community service housing to meet the needs of persons with low incomes and special needs.
- Many citizens have expressed concerns about residential land use. Many of these issues focus on land use changes that occurred in the mid and late 1990s that increased density. The City Council has received several recommendations from its Community Land Use Task Force regarding ways to promote quality development and preserve neighborhood quality. Council has directed staff to bring it land use policy and code amendments that address these matters.

GOAL, POLICIES AND ACTION MEASURES

Goal

Ensure adequate quality housing for existing and future Gresham residents.

Policies

1. The City shall protect and enhance the quality and integrity of its residential neighborhoods.
2. The City shall designate adequate lands, and make available land use processes to provide opportunities to develop a variety of housing types in locations and at densities consistent with its goals.
3. The City shall encourage housing development opportunities by promoting the development of quality, low-density single-family residential development.
4. The City shall promote housing development and design innovation and quality through methods such as planned residential development and master planning standards.
5. The City shall require multi-family and other attached housing development to conform to community design and development standards.
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. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment, and recreation.

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 an emphasis on new centers.
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.
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 transitions 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.
10. The City shall require infill development to incorporate features that make it compatible with existing neighborhoods.
11. The City shall regulate home occupations to prevent adverse impacts on residential areas.
12. The City shall allow accessory dwelling units within appropriate residential districts, but will also ensure through appropriate standards that these uses do not change the character and quality of residential neighborhoods.
13. The City's land use program shall provide development opportunities to meet the needs of persons requiring specialized housing such as the aged and those requiring care for disabilities. The scale, design, intensity and operation of this kind of housing shall be compatible with other land uses and located in proximity to supportive community services and activities.
14. The City's land use program shall be consistent with applicable state and federal laws pertaining to housing.

Action Measures

1. Ensure the City's housing and employment policy objectives are addressed at the regional level by working with Metro and other agencies and jurisdictions in development and allocation of regional housing and employment projections and subsequent changes in the regional urban growth boundary.
2. Work with property owners to develop viable economic uses of deteriorated, vacant or underdeveloped high-density residential properties.
3. Evaluate existing single-family residential development that has been designated for future high and medium density land uses to determine the reasonableness of its future conversion to these uses. If determined that redevelopment is unlikely, or would be incompatible with adjacent development, consider applying residential land use designations that fits the existing residential development pattern.

4. Promote the habitability and quality of existing housing stock through means such as effective code enforcement and code violation follow-through, habitability standards, rental licensing, inspection, etc.
5. Provide for logical and aesthetic transitions in land use patterns between new development and existing residential lands.
6. Encourage the use of site and building design considerations for housing development adjacent to differing land uses such as use of construction methods and building materials to reduce noise; visual screening and buffering, modulation of building bulk and scale, building placement and orientation, tree preservation, landscaping, lighting, etc.
7. Encourage use of site planning and building design methods for residential developments proposed adjacent to major streets to enhance livability, such as appropriate setbacks, buffering and screening, noise mitigation, building orientation, landscaping etc.
8. Reduce compatibility problems between different residential densities by utilizing methods such as buffering and screening, increased setbacks, landscaping and modulating building bulk and scale.
9. Develop regulations, standards, educational tools and incentives to induce property owners to maintain residential property to prevent blight and promote safe and healthy living environments.
10. Support the integrity of the City's land use program by developing and enforcing codes and regulations to abate public health and safety problems associated with residential dwellings being used for unlawful purposes.
11. Develop land use regulations for non-traditional housing such as homeless housing, transitional housing, shelters, convalescent care, hospice, etc.
12. Develop standards, regulations and incentives to induce property owners to redevelop deteriorated, marginally habitable residential properties to more viable economic uses.
13. When updating City fees, charges, regulations and procedures, consider ways to promote housing affordability including ways to reduce costs for special needs housing.
14. The City will work with housing providers to promote ownership housing opportunities in areas where there is the need to support community stability.
15. The City will work with housing providers to assure its land use regulations facilitate the rehabilitation and redevelopment of deteriorated residential properties.
16. The City will continue to support housing affordability, special needs housing, ownership opportunities and housing rehabilitation through its CDBG and HOME program and in conjunction with neighboring jurisdictions and agencies such as Multnomah County Housing Consortium and its Consolidated Plan.

Section 2. Existing Sections 10.200, 10.210, 10.211, 10.212, 10.213, and 10.214 Volume 2, Policies, of the Gresham Community Development Plan are repealed and replaced with the following Sections 10.200, 10.210, 10.211 and 10.212:

10.200 AREAS SUBJECT TO NATURAL HAZARDS

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

"Protect people and property from natural hazards"

Statewide Planning Goal 7 requires that development not be allowed to locate in known areas of natural hazards where it would be at risk of property damage and/or loss of life without appropriate safeguards. Comprehensive plans are to provide an inventory of known natural hazard areas and require measures to

prevent or minimize risks to people and property. Goal 7 defines natural hazards as: "floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires". At a minimum and where applicable, local governments must address the areas where these hazards can occur. At their discretion, they may also identify and plan for other kinds of natural hazards as well.

10.210 AREAS PRONE TO FLOODING

BACKGROUND

Overview – Flooding in Gresham

Because of Gresham's topography, flooding does not pose as significant a hazard to broad areas of the community as it may for other cities within the northern Willamette Valley and along the lower reaches of the Columbia River. The only major river near Gresham is the Columbia River but a dike located near the shoreline (along N.E. Marine Dr.) as well as a dam system upriver essentially protects Gresham from any severe flooding that would otherwise be caused by this large intrastate waterway. In addition, Multnomah County Drainage District #1 maintains the dike and a system of drainage ditches and pump stations immediately south of the dike, from Troutdale to the Willamette River in Portland. These facilities help to minimize flooding in the entire Columbia River South Shore area.

However, waters from major flood events (e.g. 100 year floods) do inundate lands adjacent to other less significant water bodies in the area. These are the Columbia Slough, Johnson Creek, Fairview Creek and, to a lesser degree, Kelly Creek and Burlingame Creek. The 100-year floodplain areas associated with these streams are shown on Map # 1.

Within these areas flooding can pose a significant hazard. Its effects range from inconvenience to the potential for loss of life and property. Development and other activities within the floodplain such as filling and removing vegetation can make flooding worse by decreasing the area available for the storage and conveyance of floodwaters. When this occurs floodwaters are displaced onto lands not previously subject to flooding. Also, the velocity of floodwaters is often increased. Furthermore, buildings and bridges within the floodplain can function as dams during flooding and cause greater upstream inundation.

Urban development also increases the potential for flooding. This is because buildings and impermeable surfaces such as pavement cover lands that rainwater was once able to soak into.

Natural features like wetlands and riparian areas function as "natural sponges" that absorb and then gradually release surface water runoff. When these features are lost to urban development and replaced by pavement and buildings, storm water immediately flows into streams. This increases both the velocity and volume of water that the floodplain must accommodate. Often the result is an increase in the height of the floodplain and greater flooding.

The annual flood season in northern Oregon extends from October to April. The greatest potential for flooding occurs during December and January, when water-laden soils and streams can no longer convey runoff from heavy winter rains. This is often accompanied by runoff from the melting of lower elevation snow in the Cascades, such as occurred during the 1996 winter flood. Infrequent but intense rain events of relatively short duration can also cause local flooding during the summer months. An example is a two-hour thunderstorm that occurred in Gresham on 8/25/04, which flooded parking lots and streets.

The FEMA Program & Gresham's Participation

Gresham participates in the National Flood Insurance Program, which is administered by the Federal Emergency Management Agency (FEMA). FEMA develops national standards for developing in floodplains and conducts floodplain insurance studies. Floodplain insurance studies are used by FEMA to

identify 100 yr. floodplains (or "flood hazard areas"), assess risks of developing in floodplains and to establish flood insurance rates. A 100-year flood, which is also called the "base flood," has a 1 percent chance of occurring in any one year. Other federal, state, and local sources are used to estimate the floodplain's location if an area subject to flooding has not been mapped by FEMA. FEMA provides Gresham with maps and a study that identifies the 100-year floodplain of major streams as well as the elevation/cross section of the floodplain at various points along a particular stream. These maps and study are made available to the public at the City's Permits Center. The most recent FEMA floodplain study for Gresham was completed in 2002 for the Kelly Creek floodplain.

The Flood Insurance Program enables property owners to obtain federally subsidized flood insurance. The program also makes an area eligible for disaster relief if extensive area-wide flooding ever occurs. Participation in the program by local jurisdictions requires them to adopt the FEMA standards and apply them to new development within the mapped 100-year floodplains. They primarily require the first habitable floor of buildings to be elevated at least one foot above the 100-year floodplain elevation as well as requiring that foundations, basements, utilities, etc. be flood proofed and anchored. The City first adopted the original FEMA standards in 1980. The current version of these standards is found in the Community Development Code's Flood Plain Overlay District (Section 5.0100). The overlay district was adopted in 1988. Since then the federal government has updated the FEMA standards and the City has made the commensurate changes to the district.

The floodplain as defined by FEMA is divided into two parts: the floodway and the flood fringe. The floodway is the inner part of the floodplain (nearest to the stream) that conveys the highest velocity floodwaters and it is the most dangerous portion. It is the minimum area needed for the passage of the floodwaters so that upstream flood elevations are not increased. Floodplain management regulations require preservation of an adequate floodway area to discharge the waters of a 100-year flood without cumulatively increasing the water surface elevation by more than one foot. Consequently, new development generally has to avoid encroaching into the floodway. The flood fringe is the outer area of the floodplain that surrounds the floodway and where floodwaters are usually relatively still. The flood fringe is still subject to flooding but does not contribute appreciatively to the passage of flood flows. Both the floodway and flood fringe are delineated on the FEMA maps.

Metro Title 3 Floodplain Management Performance Standards

Flooding and its hazards is also a regional issue. Areas subject to flooding overlap many local jurisdictional boundaries. Title 3 of the Metro Functional Plan, in addition to having water quality protection standards, has standards intended to protect the flood storage capacity of floodplains. The principal requirement calls for new development in floodplains to use a "balanced cut and fill" approach. Balanced cut and fill means that any placement of fill within the floodplain must be compensated by the removal of an equal volume of earth somewhere else in the floodplain portion of a development site. This helps to preserve the storage capacity of the floodplain and prevents it from enlarging and affecting lands not previously subject to flooding. In 1998 Gresham amended its Flood Plain Overlay district (Section 5.0125) to add Metro's Title 3 Floodplain Management Performance Standards.

Other Gresham Measures to Minimize Flooding

Gresham has constructed in recent years regional detention ponds to reduce flooding along its streams. The largest is a flood control facility located along Fairview Creek, near Birdsedale Avenue and Division Street. During a flood event, it temporarily diverts peak flows from Fairview Creek into a large engineered pond. After a storm subsides, filtered storm water is slowly released into the creek. Consequently, upstream flooding along Fairview Creek is reduced. Two similar but smaller facilities were constructed along Kelly Creek. In 2002, FEMA conducted a study of Kelly Creek and changed its maps to reduce the creek's previously mapped 100-year floodplain.

The City has had requirements for developers to provide on-site stormwater detention for new development since the early 1990's. These standards also require maintenance of water quality. They are found in Appendix A5.200 of the development code and are titled "Surface Water Management Systems." Design standards for the required storm water detention and water quality facilities are found in the "Gresham Public Works Standards Manual". They require -new development to capture and temporarily detain stormwater from its impervious surfaces by using detention ponds, swales, underground tanks, large diameter pipes, etc. Stormwater detention and treatment systems are required to be designed to accommodate storm or rainfall intensity events that, depending upon conditions and the type of development, vary from the 2-year to 25-year storm.

Gresham also promotes green development practices to retain storm water and allow it to infiltrate into the ground instead of contributing to flooding. For example, the City reconstructed S.E. Yamhill Street in Rockwood into a "green street". Green streets allow stormwater to infiltrate into the ground through the use of pervious surfaces, bio-swales and drywells rather than draining it into catch basins and pipes and then discharging it into streams. Also, Gresham will promote the protection of riparian areas along significant streams and wetlands to allow surface water to soak into the ground.

Green streets and other green stormwater practices will also be applied to Gresham's future urban growth areas, Pleasant Valley and Springwater. The urban development plans/standards for these areas will emphasize directing new development away from floodplains and protecting them as part of an environmental zone. In addition, development standards for these areas will require using natural storm water management processes (e.g. infiltration, planting trees for greater evapotranspiration) to reduce the runoff and flood hazard potential from new development.

SUMMARY OF MAJOR ISSUES

The following are some of the issues, circumstances and conditions, which were considered in the update of this Comprehensive Plan chapter.

- Flooding in Gresham is confined to relatively small areas near its creeks. The Marine Drive dike and the other drainage facilities located in the South Shore area, which are maintained by Multnomah County Drainage District #1, help prevent major flooding by the Columbia River.
- The City first adopted the FEMA regulations for developing in floodplains in 1980.
- The Community Development Code's Flood Plain Overlay District was adopted in 1988. It has been amended since to be consistent with new FEMA rules.
- The most recent FEMA floodplain study for Gresham was completed in 2002 for Kelly Creek.
- Flooding is a regional issue because many waterways, such as Johnson Creek, cross jurisdictional boundaries. In response, Metro adopted flood plain management regulations as part of its Functional Plan (Title 3) in 1997. Metro standards require "balanced cut and fill" when fill is placed within the 100-year floodplain. Gresham incorporated these standards into its Community Development Code in 1998.
- Gresham seeks to reduce flooding impacts of existing and new development by constructing regional storm water detention facilities; requiring new development to provide on-site storm water detention; protecting undeveloped riparian and floodplain areas and where possible utilizing green practices.

GOAL, POLICIES AND ACTION MEASURES

Goal

Protect life and property from flood hazards.

Policies

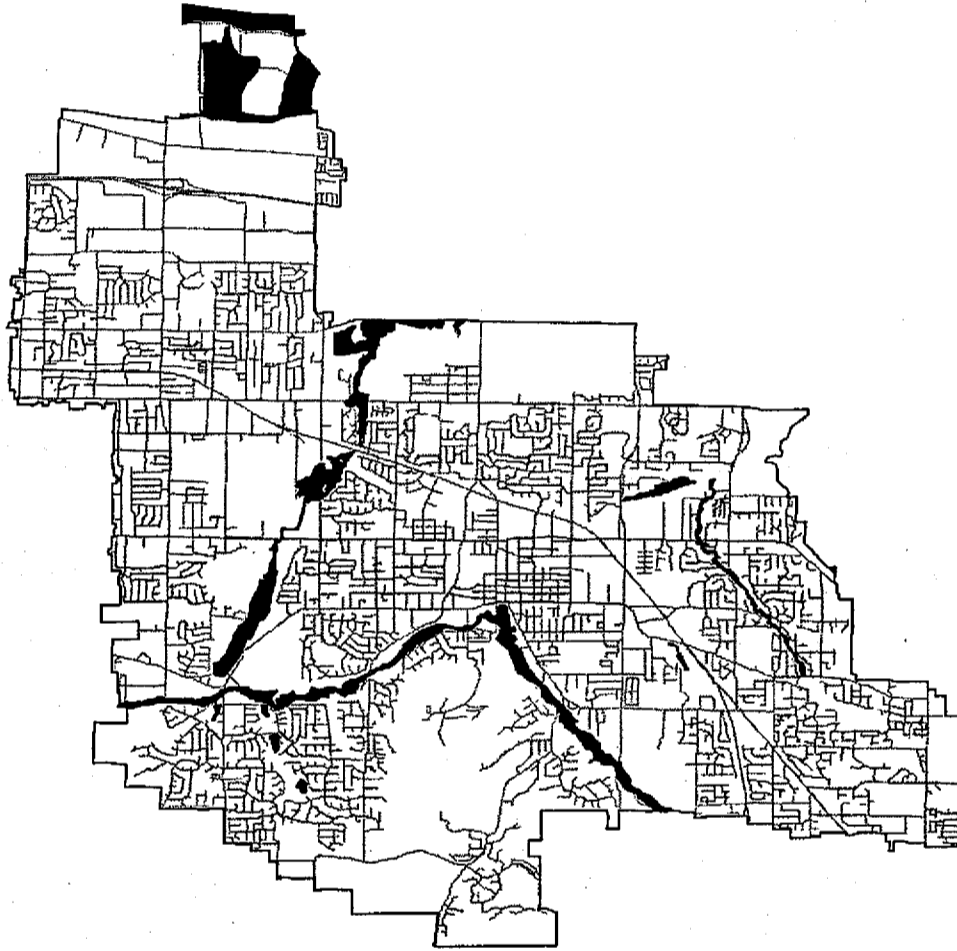
1. The City shall take measures to protect the floodwater conveyance and storage capacity of its floodplains.
2. The City shall continue to participate in the National Flood Insurance Program, comply with Federal Emergency Management Agency (FEMA) and Metro Title 3 Floodplain Management Standards, and when necessary, amend its Flood Plain Overlay District map and standards accordingly.
3. The City shall maintain and make available to the public, a current inventory of Gresham's 100-year floodplain areas as mapped by FEMA and the Army Corps of Engineers.
4. The City shall require new development to utilize surface water management practices, which reduce the potential for flooding.
5. The City shall preserve the floodwater storage and conveyance capacity of floodplains in new urban areas, including Springwater and Pleasant Valley, by minimizing development within floodplains.
6. The City shall protect its wetlands, watercourses and their riparian edges in order to safely contain and gradually convey floodwater and allow it to infiltrate into the ground as much as possible.
7. The City shall use federal, state and local sources to estimate the floodplain's location if an area suspected to be subject to flooding has not been mapped by FEMA. The City shall require the applicant to provide the necessary information needed to substantiate flood boundaries and elevations.

Action Measures

1. Provide information to citizens and developers about the public safety, economic and environmental benefits of protecting the water conveyance and storage capacity of the City's flood plains.
2. Coordinate with other agencies, special districts and jurisdictions drainage basin master plans, capital improvement plans and proposed flood protection strategies that affect shared watersheds and streams.
3. Coordinate with the Army Corps of Engineers, FEMA and other responsible state, regional, and local agencies regarding:
 - a) Review and update of floodplain maps and regulations needed to comply with federal standards and
 - b) Emergency operations planning necessary to protect life and property during a major flood event.
4. Where practical and as resources become available, restore the floodwater storage and conveyance functions of wetlands and natural watercourses.
5. Promote the public acquisition of property and easements within floodplains needed for the conveyance and storage of floodwaters and which can also be used for complimentary uses such as open spaces, wetlands restoration, passive recreation opportunities and regional stormwater detention facilities.

Map No. 1

FEMA 100-year Floodplains



10.211 STEEP SLOPES & LANDSLIDES

BACKGROUND

Overview

Landslides are the downslope movement of rock, soil or related vegetation/debris. Geologists use the term "mass movement" to describe the different types of landslides such as rock fall, soil creep, slump, mudflow or debris flow. These kinds of earth movement can cause severe property damage and loss of life. Landslides are naturally occurring and relatively common in western Oregon especially near the coast, Cascades and within the Columbia Gorge, depending upon local geology, slope and soil conditions. They typically occur on the steep slopes of hillsides, ravines of streams and coastal bluffs/headlands during or shortly after prolonged periods of heavy rainfall. Although landslides are propelled by gravity, they can be triggered by geologic events (earthquakes, volcanic eruptions) or by human activity (e.g. excavation, grading, timber harvesting). Regardless of what initiates a landslide, the underlying cause in the northwest are periods of continuous rains that saturate the soil and which lubricate and loosen soil particles and rock so as to set the conditions to begin their downslope movement.

Of all the types of landslides, debris flows are probably the most dangerous to people and property. Debris flows are also referred to as mudslides, mudflows, debris avalanches or "rapidly moving landslides". Debris flows commonly start on steep hillsides (70%+) as soil slumps or slides that liquefy, accelerate to speeds of 35 mph or more and flow down hillsides onto gently sloping ground. Their consistency can range from watery mud to thick rock laden wet cement – dense enough to carry large boulders, trees and cars. Debris flows originating from different locations can combine in ravines and stream channels where their destructive power becomes concentrated and greatly magnified. Debris flows because of their high speed are difficult for people to outrun and can be unexpected because of their often distant off-site origin. They have caused most of the recent landslide-related injuries and deaths in Oregon. There were a number of debris flows in western Oregon during the intense winter rainfall of 1996. One of these occurred in Douglas County where five people were killed and many others were injured.

Besides being initiated by natural processes, the following man-made changes to hillside areas can increase the susceptibility for landslides to occur:

- Excavation/Grading: Excavation is often needed to build homes or roads on sloping terrain. Grading can result in some slopes that are steeper than the pre-existing natural slopes. Since slope steepness is a major factor in landslides, these steeper slopes can be at increased risk for landslides. The added weight of fill and structures can also increase landslide susceptibility.
- Drainage Alterations: Man-made alterations to natural drainage patterns can be a factor that triggers landslides. Broken or leaking water/sewer lines can be problematic as can surface drainage retention facilities that direct water onto slopes. Lawn irrigation and minor alterations to small streams can also result in landslides. Also, surface drainage from the impervious surface areas of development reduces the opportunity for water to be absorbed into the ground and can create flows that cause erosion of slopes and unstable soil conditions.
- Vegetation Removal: Removing vegetation, such as trees from hillsides, also increases the potential for landslides. In particular, trees through their root systems are capable of holding very large amounts of soil that help to stabilize steep slopes. A recent study by the Oregon Department of Forestry of active landslide sites on state forestlands found that 75% of such sites had been logged during the last 10 years.

Oregon's Landslide Related Agencies & Programs

The Department of Land Conservation and Development (DLCD) assists state agencies and local jurisdictions in implementing Statewide Planning Goal 7, Natural Hazards. Goal 7 requires jurisdictions to adopt comprehensive plan policies and implementing measures to protect as much as possible, people and property from natural hazards. Landslides are one of the natural hazards mentioned by Goal 7. The DLCD natural hazards planning guide, "Planning for Natural Hazards", also addresses landslides. In addition to DLCD, the following state agencies and programs relate to landslides:

- Senate Bill 12 – During the 1999 session, the state legislature passed Senate Bill 12 in response to the numerous landslides that had occurred during the winter rains of 1996. This bill requires state and local governments to protect people from rapidly moving landslides (or debris flows). As indicated above, these are the most dangerous kind of landslides. Senate Bill 12 has four major components: it directed the Department of Geology and Mines (DOGAMI) to prepare maps of areas potentially prone to rapidly moving landslides, gave local governments the authority to regulate in areas prone to rapidly moving landslides, adopted standards (ORS 195.250-.260) to be applied by local jurisdictions when the DOGAMI mapping is completed, and provided \$50,000 to a jurisdiction (Douglas County was later selected) to develop a model ordinance for regulating development in these areas.

Pending completion of the DOGAMI mapping, jurisdictions will need to modify their comprehensive plan/development standards and implement the Senate Bill 12 regulations if the DOGAMI maps show rapidly moving landslide areas in their communities. These standards include: requiring a geotechnical report if a property is shown to be within a rapidly moving landslide area, coordinating review of the report by DOGAMI before issuing permits, and regulating dwellings in debris flow areas by imposing mitigation measures and development conditions based on the recommendations of the geotechnical report.

- DOGAMI – DOGAMI has completed some preliminary maps showing potential areas susceptible to rapidly moving landslides for western Oregon jurisdictions, including Gresham. DOGAMI refers to these areas as "Further Review Areas". They are defined by Senate Bill 12 and ORS195.250 as: "An area of land within which further site specific review should occur before land management or building activities begin because either DOGAMI or ODF (Oregon Department of Forestry) determines that the area reasonably could be expected to include sites that experience rapidly moving landslides as a result of excessive rainfall."
- State Building Codes Division – The division adopts statewide standards for building construction that are then administered by the state and local jurisdictions. These standards include requirements for cut, fill, and sloping of the lot relative to the location of the foundation. There are also foundation design requirements depending upon soil type, soil-bearing pressure, and compaction/lateral loads from soil and water on sloped lots. The local building official has the authority to require a soils analysis for any project where it appears the site conditions do not meet the requirements of the code or that special design measures must be taken. State building codes do not, however, set standards for grading not associated with the construction of buildings. However, local jurisdictions have the option of adopting the state grading standards for non-building related grading.

Gresham's Steep Slope/Landslide Related Standards

Most of Gresham's steep slope areas (15% and greater) and potential landslide areas are found in the southerly part of the City on or near Gresham Butte and the smaller Grant Butte. Gresham regulates development on these slopes through its development code and by implementing applicable state building code standards. The following is a summary of these requirements:

- Gresham's development code has the Hillside Physical Constraint Overlay District that limits development on the buttes and other areas with slopes of 15% or greater. These areas are shown on the Hillside Special Purpose District Map. This overlay district was amended in 2003 in order to provide clearer and more objective standards, offer greater flexibility to avoid development of steeper slopes (>35%) and to be consistent with above Senate Bill 12. Among the purposes of this overlay is to ensure that development proposed on or near hillsides conforms to the natural topography and minimizes the potential of earth movement such as landslides. In general, this overlay limits the percentage of each lot and the overall site area with slopes of 15% and greater that can be graded (for building pads, driveways, etc.) and essentially requires that sites with slopes greater than 35% be developed through the planned development (PD) process. A PD must dedicate at least 30% of the steeper parts of the site as open space. Also the PD standards allow less housing density (or larger lots) as the average slope of a site increases. Building lots are not allowed to include sloped areas greater than 60%. The hillside standards require a soils and geology report with recommendations as part of a development application in order to evaluate slope stability, bedrock/soil conditions, drainage patterns, seismic risk, and other geological factors. In addition, a geotechnical report is required for any proposed disturbance of slopes greater than 35%. The City's engineering/environmental consultant then reviews these reports and sends comments/recommended conditions to development planning staff.

The Hillside Physical Constraint District Overlay and map also address the "rapidly moving landslide" or debris flow areas that are the focus of Senate Bill 12 and ORS 195.250. These are derived from the preliminary DOGAMI debris flow maps, referred to by DOGAMI as "Further Review Areas", and fall within the 15% and greater sloped areas regulated by Gresham's hillside district. They appear on the City's hillside district map (attached Map No. 2) as "Higher Landslide Risk Area" and are found primarily on Gresham and Grant buttes. Section 5.0277 (Development in "Further Review Areas") of the hillside district has standards specifically for development proposed within these areas. With the exception of the geotechnical report requirement, these standards will be applied to development after DOGAMI completes its mapping effort. In the interim, development applications within these areas must include a geotechnical report prepared by a geotechnical engineer. The report must describe those design and construction measures that will be taken in order to reduce the potential for rapidly moving landslides and to maintain slope stability. DOGAMI staff as well as the City's geotechnical engineering consultant then review the report and make comments that are incorporated into the staff report.

- Gresham also regulates the removal of trees and other vegetation on hillsides through the Hillside Physical Constraint District and through its city-wide tree removal regulations. Section 5.0225 of the hillside district requires the maintenance of trees and vegetation outside of developed areas to be mainlined to protect against soil erosion and earth movement. It also prohibits the removal of trees with a circumference of 25 inches or greater (8 inch+ diameter) that are located more than 10 feet from proposed roads, driveways, utilities and building pads. Section 5.0223 also requires that no more than 35% of a development site area be graded or cleared of vegetation. In addition, Section 9.1000 of the development code contains additional citywide tree removal regulations, including a prohibition on the clear cutting of trees on slopes of 15% and greater. Clear cutting is defined as: "Any tree removal which leaves fewer than an average of one tree per 1,000 sq. ft. of lot area, well distributed throughout the entirety of the site."
- Gresham's Building Division reviews building permit applications for compliance with the state building code (adopted IBC and IRC) requirements. These include those standards related to placing structures on sloped sites. As previously indicated, the City's hillside district requires a geotechnical report (in addition to Soils/Geology Report) for development proposed on slopes greater than 35% as well as within the potential rapidly moving landslide areas that have been delineated by DOGAMI. A geotechnical report focuses on the impacts that the particular soil and geologic features will have on a proposed structure as well as the impacts the structure will have on the long term stability of those natural features. If the general geotechnical report for a

subdivision or other development recommends that individual reports be done for any future structures such as house foundations and retaining walls, then the structural engineer in the City's Building Division reviews these structure related geotechnical reports. A copy is also sent to state DOGAMI staff for their review and comments.

- Gresham's development code (Section 9.0500) has city-wide requirements for grading, drainage, erosion control and stormwater detention/treatment. These include specific design standards that limit the steepness of cuts and fills and the composition and compaction of fills. The erosion control standards are intended to prevent soil movement during construction and the sedimentation of waterways. They require applicants to submit an erosion control plan as part of their permit application and to implement the best management practices that are described in the City's erosion control manual.

SUMMARY OF MAJOR ISSUES

The following are some of the issues, circumstances and conditions, which were considered in the update of this Comprehensive Plan chapter.

- Landslides are natural events that can be exacerbated in intensity and frequency by development related activities such as grading and vegetation removal. They typically occur on steep hillsides such as found in the Columbia River Gorge and on the buttes in south Gresham.
- Geologists acknowledge that debris flows or "rapidly moving landslides" are the most damaging and life threatening kind of earth movement because of their large mass, velocity and distant origin. The state legislature, through Senate Bill 12, directed the state Department of Geology and Mining Industries (DOGAMI) to map areas in western Oregon (including Gresham) that are susceptible to debris flows, adopted development standards for them and authorized local jurisdictions to adopt development regulations for these areas in order to protect lives and property.
- Gresham controls development on hillsides with slopes of 15% and greater primarily through its Hillside Physical Constraint Overlay District and associated special purpose district map. These standards and map were amended to address above Senate Bill 12 and state debris flow information as well as to offer more flexible development standards so that the grading, vegetation removal and development of steep sloped areas can be minimized and the potential for landslides is reduced. Gresham also implements applicable state building code standards for locating structures on sloped areas such as through its geotechnical report analysis requirements for proposed foundations and retaining walls.

GOAL, POLICIES AND ACTION MEASURES

Goal

Protect life and property from hazards associated with landslides and unstable soils.

Policies

1. The Community Development Code shall discourage land divisions in areas over 35% slopes. Property that is entirely above 35% slopes may be improved to the extent of one dwelling per existing lot of record. Subdivisions of land that are partially above 35% slope shall not generally include development of the portions in excess of 35% slope. Limited development of the portions of the site on greater than 35% slopes may be permitted when these steep slopes encroach into areas which are logical dwelling locations and engineering studies determine that development will be in compliance with accepted engineering design principles. Dwellings planned on greater than 35% up to 60% slopes may be permitted when

located within a Planned Development of 10 or more acres in size; and occur on land which is not susceptible to earth movement or landslide hazards; and where construction and design methods are employed to minimize cuts, fills and other potential adverse impacts.

2. Limited development on greater than 35% slopes may occur for a residence on a vacant lot of record, trails/multi-purpose paths, and for the logical extension and provision of public facilities, utilities, and driveways, where construction and design methods are employed to minimize cuts, fills, and other potential impacts. With these exceptions and those related to planned developments (Policy #1), all other sloped areas of greater than 35% on development sites shall be protected by an easement or by dedication of an open space tract.
3. Land divisions on slopes greater than 35% shall only be allowed through the Planned Development (PD) process. The PD standards for hillside development shall encourage the transfer of density to those site areas with less than 15% slopes, allow less development density as the degree of slope increases, and limit the amount of sloped areas greater than 35% that can be included as part of building lots.
4. Removal of trees on slopes over 15% shall be restricted to prevent clear cutting and to limit removing trees with a trunk diameter of 8-inches and greater.
5. City development standards for slopes of 15% or greater shall limit the amount of site area that can be graded, cleared of vegetation, or otherwise disturbed.
6. Development on slopes of 15% or greater will require a soils/geology report prepared by a state certified engineering geologist or geotechnical engineer to evaluate geologic conditions and hazards, slope stability, and to provide recommendations for protecting life and property from landslides and soil erosion.

In addition, development within an area identified on the Hillside Physical Constraint Overlay District map as a potential "Higher Risk Landslide Area" shall require a geotechnical report that describes how the proposed construction methods and design measures will maintain slope stability and minimize erosion.

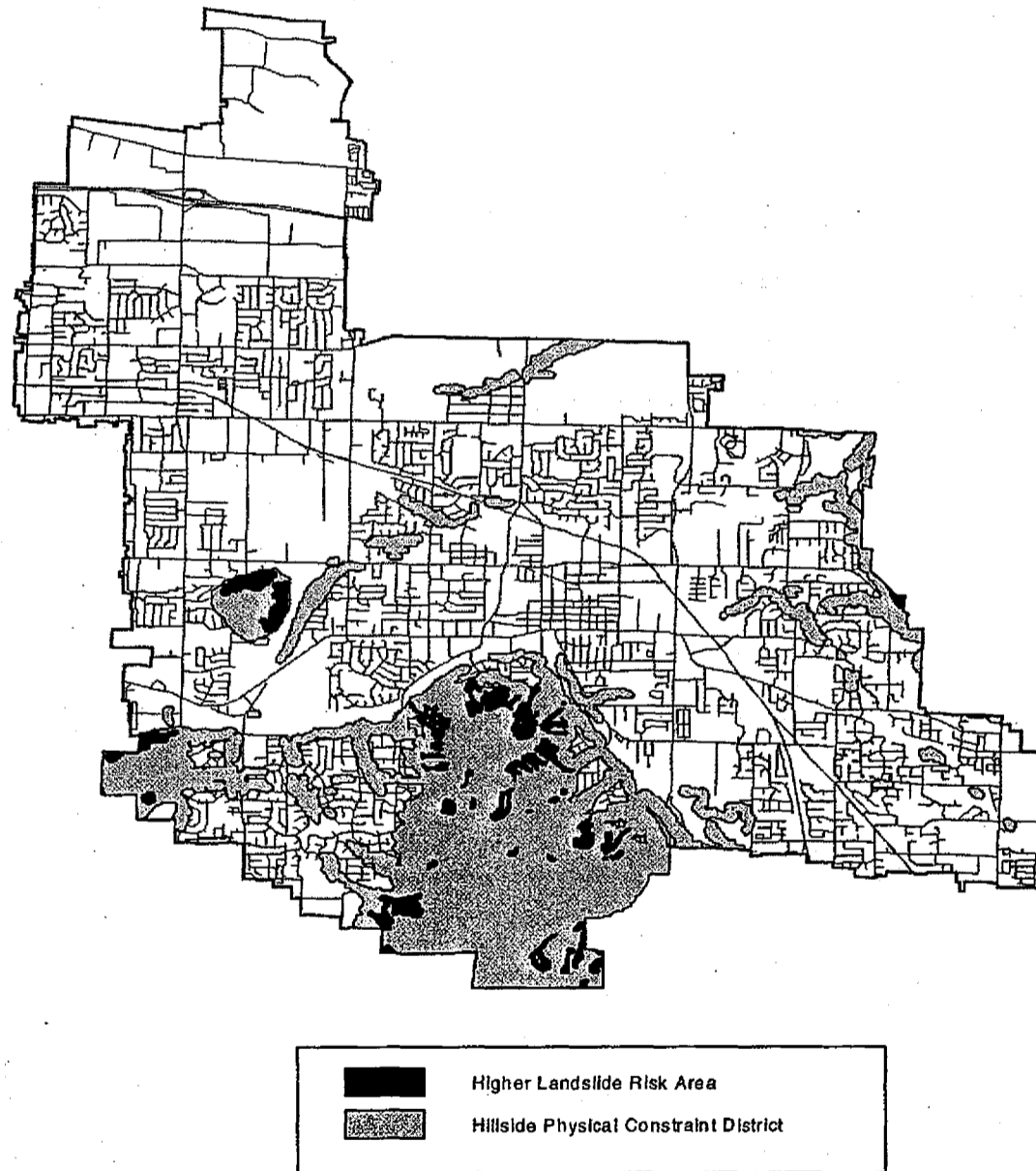
7. Development on slopes of 15% and greater shall be required to handle surface water runoff in a way that will not destabilize slopes, increase erosion or degrade water quality.
8. The City hillside development standards shall include state ORS 195.250 requirements that pertain to potential rapidly moving landslide ("Further Review Areas") identified by the state Department of Geology and Mining Industries (DOGAMI). These standards will be applied to proposed development within such areas after their mapping by DOGAMI is finalized. In the interim, the City shall require geotechnical reports for developments proposed in the "Higher Landslide Risk Areas" (DOGAMI's "Further Review Areas") that are shown on Gresham's Hillside Physical Constraint Overlay District map.

Action Measures

1. The City will continue to protect steep slopes and landslide hazard areas as public open space/wildlife habitat as Metro bond measure funds and other funding sources become available for this purpose.
2. Provide staff resources to inspect hillside developments that are under construction in order to ensure their compliance with erosion control, drainage and slope stability standards as well as compliance with development code limitations on grading and the removal of trees and other vegetation.
3. Encourage and offer incentives for innovative site designs (such as clustering dwelling units) that exceed City standards related to allowed slope disturbance, tree removal, etc., and which propose to set aside a substantial amount of the site as protected open space.

4. Update Gresham's hillside maps/development standards so that they reflect new maps and other current information from DOGAMI, etc. about the location and severity of potential landslide hazards, recommended content for geologic/geotechnical reports and how landslide risks can be minimized.
5. Provide information to the public on the City's website and at the building permits center about preventing landslides and soil erosion on hillsides. This should include landslide hazard maps and information about potential risks, using innovative building design techniques for hillsides, using native plantings to stabilize slopes instead of installing a lawn, managing surface water runoff to avoid soil erosion and how to minimize cuts and fills.

Map No. 2



10.212 EARTHQUAKE HAZARDS

BACKGROUND

Overview

An earthquake is defined as the "perceptible trembling to violent shaking of the ground, produced by the sudden displacement of rocks below the earth's surface." Rocks respond to stress (being squeezed or pulled apart) near the earth's surface by breaking. Where the rocks break and move, a fault is produced. The gradual buildup of tectonic forces along a fault followed by the sudden release of stress is what causes an earthquake. An earthquake's epicenter is the position on the earth's surface directly above the focus of the earthquake. The focus is the location within the earth where underground rock moves and sends out earthquake energy waves which in turn cause ground shaking.

Scientists have measured the energy released from earthquakes for more than 50 years. This energy is measured in terms of "magnitude" on the Richter Scale, invented by Charles Richter in 1934. The largest vibration or seismic wave from an earthquake is measured and recorded on a seismograph. The Richter Scale is logarithmic, that is, an increase of 1 magnitude represents an increase of 10 times in an earthquake wave amplitude (height) as it appears on a seismograph. For example, the seismic waves of a magnitude 6 earthquake are 10 times greater in amplitude than those of a magnitude 5 earthquake, and 100 times greater than a magnitude 4. However, in terms of energy release, a magnitude 6 earthquake is about 30 times greater than a magnitude 5, and 900 times greater than a magnitude 4. Earthquakes with a magnitude of 2 or less are called microquakes and are not usually felt. Magnitude 3 and 4 quakes are commonly felt but rarely cause damage. Damaging ground shaking can accompany a magnitude 5 or 6 event, and major damage can occur from earthquakes of magnitude 7 and above. The Richter Scale has no upper limit.

Earthquakes occur along two types of faults: deep (10-60 miles) subduction zone faults and shallower (0-10 miles) crustal faults. A subduction zone is defined as the location where two tectonic plates collide, with one plate sliding underneath the other. Tectonic plates are approximately 60-mile thick slabs of earth that move and interact with each other, producing not only earthquakes but volcanic eruptions as well. The plates do not slide smoothly past each other. They tend to lock up, build pressure and, at some point, release the pressure dramatically in the form of an earthquake. Subduction zone earthquakes typically affect a much larger area than crustal fault earthquakes and also produce tsunamis. A tsunami is a fast moving and tall, powerful wave caused by the uplift of the sea floor near shorelines. Tsunamis arrive in minutes and are often more destructive to coastal communities than the earthquakes that produce them. In the case of the Northwest, a subduction zone called the Cascadia Subduction Zone is located 300 miles offshore in the Pacific Ocean. There, the denser Juan de Fuca Plate is being subducted or pushed under the more buoyant North American Plate.

Oregon also has many geologically active crustal faults. They are especially prevalent in the Cascades, south-central Oregon (Klamath Falls), northeastern Oregon, the coast range and in the West Hills/downtown area of Portland. These faults are more of a local problem, especially to those who are geographically close to these faults. They are capable of producing magnitude 7 earthquakes and are typically closer to population centers. As a result, a smaller magnitude earthquake could result in as much damage to people and property as an earthquake originating in the Cascadia Subduction Zone.

Although present Northwest residents have not experienced a large earthquake, such earthquakes have happened in the recent geological past. Strong evidence suggests that a large earthquake of at least magnitude 9 occurred along the Cascadia Subduction Zone as recently as 1700. It was powerful enough to create a tsunami that destroyed Native American settlements along the British Columbia, Washington, and Oregon coasts as well as affecting Japan. Geologists believe such subduction zone earthquakes have occurred along the coast every 300 to 800 years for the last 11,000 years. During the last 11 years, smaller scale earthquakes associated with crustal faults have also occurred which nonetheless have caused much property damage. These were the 1993 Scotts Mill earthquake near Molalla that caused \$30 million

dollars in damage, the 1993 Klamath Falls earthquake that caused two deaths and \$10 million dollars in damage, and the 2001 Olympia, Washington earthquake that caused 400 injuries and \$3 billion dollars of damage.

In addition to tsunamis which affect coastal areas, there are three basic hazards associated with earthquakes. These hazards are ground shaking, landslides on steep slopes, and liquefaction near water bodies.

Ground shaking is the motion caused by seismic waves of an earthquake and is the primary cause of earthquake damage. The strength of ground shaking depends on the magnitude of the earthquake, the type of fault movement, and distance from the epicenter. Ground shaking can be amplified or attenuated by near surface soils. Buildings on poorly consolidated and thick soils will typically suffer more damage than buildings on consolidated (i.e. firm, hard) soils and bedrock. Alluvium soils (deposited by rivers) in particular, such as those found in the Willamette Valley and most of the Portland area can amplify seismic waves and increase ground shaking. Building construction and design contributes greatly to the ability of structures to withstand ground shaking. Wood structures tend to suffer less damage than buildings made of brick or un-reinforced masonry. Ground shaking can also rupture utility lines (water, natural gas, etc.) and damage roads and bridges.

Steep slopes can be very hazardous during and after earthquakes. Landslides are the downslope movement of rock, soil, vegetation, etc. Water plays a pivotal role by decomposing and loosening rock, lubricating rock and soil surfaces to allow movement and by making soil particles buoyant which overcomes their inertia to move. In the long rainy season of winter and spring, soils can become saturated with water and an earthquake during this time can trigger a rapidly moving landslide.

Earthquakes can turn soil into quicksand in a process called liquefaction. This typically occurs along river channels, lakes, bays and other major water features where there is a relatively high water table. Earthquake shaking causes the water pressure to increase and the water table to rise. The air spaces between the soil particles soon become filled with water, friction or cohesion is decreased, and the particles can then readily move. Consequently, the strength of the soil decreases and with it the ability to support building foundations, bridges, etc. Granular soils (gravel, sand and silt), because of their loose consolidation, are more susceptible to liquefaction when located next to water bodies.

Oregon's Earthquake Related Agencies & Programs

The Department of Land Conservation and Development (DLCD) assists state agencies and local jurisdictions in implementing Statewide Planning Goal 7, Natural Hazards. Goal 7 requires jurisdictions to adopt comprehensive plan policies and implementing measures to protect as much as possible, people and property from earthquakes and other natural hazards. Also, the Goal 7 guidelines state that local governments should coordinate their land use plans with mitigation programs, response, recovery, and emergency preparedness. DLCD has also developed a guide for local jurisdictions to use for natural hazards mitigation planning titled: "Planning for Natural Hazards, Oregon Technical Resource Guide, 2000." In addition to DLCD, the following state agencies and committees are also involved with earthquake awareness/preparedness and other natural hazard issues:

- Department of Geology and Mineral Industries (DOGAMI) – Besides regulating mining, DOGAMI produces maps about Oregon's geology and geologic hazards including Oregon's active faults, earthquake history, and seismic risk assessments. Also DOGAMI partners with other state agencies to develop natural hazard-related programs/policies and informs the public about geological hazards through its reports and website.
- State Building Codes Division – The Oregon Building Code Division adopts statewide building construction standards that are administered by the state, cities, and counties. Recently, the state adopted the International Building Code (IBC), as well as the International Residential Code (IRC), for single family and duplexes with certain amendments. Seismic standards in these codes primarily affect the design and construction of foundations and walls.

Both the IBC and IRC refer to six different seismic zones, Zones A through F. These reflect varying degrees of ground shaking (spectral acceleration) that can occur, with Zone A having the least potential for movement and Zone F the most potential. (Maps that show these zones are available for any zip code from a USGS web site.) This classification is largely dependent on nearness to active faults and the soil type in a particular area. Zone A construction has to meet the least stringent seismic standards in the IBC and IRC, while construction in Zone F has to meet the most stringent. Eastern Oregon is within Zone C, the Willamette Valley and Portland area is within Zone D, and the Oregon coast varies between Zones D and E. The seismic standards that apply to a particular building also depend on what use category it is in. The codes have four use categories, Categories 1 through 4. Minor structures such as storage buildings are in Category 1, most residential and business uses are within Category 2, while high occupancy or critical facilities such as schools, hospitals, police and fire stations, and other emergency services structures are in Categories 3 and 4. Therefore, a Category 4 use within Zone F would be subject to the strictest seismic standards under these codes. In addition, Category 3 and 4 uses are subject to special inspections by independent third parties who have expertise in certain disciplines, such as a geotechnical engineer or a concrete testing firm. The IBC also requires that Category 3 and 4 uses be functional after an earthquake. The previous UBC code only required that such uses be designed so as to protect the lives and safety of their occupants.

Seismic upgrades to an existing building are only required when there is change in occupancy that results in putting the structure in a higher use category.

- Oregon Seismic Safety Policy Advisory Commission (OSSPAC) – OSSPAC is a state advisory commission created in 1990 by the governor, to promote public earthquake awareness and preparedness through education, research, and legislation. The 18- member commission is made up of state legislators, representatives from state agencies (DOGAMI, ODOT, Building Codes Division, DLCD, OEM), and from local governments, public interest groups, utility districts, and the private sector. Specifically, the objectives of OSSPAC are to: (1) develop and influence seismic safety policy at the federal, state, and local levels; (2) facilitate and improve public understanding of seismic hazards and encourage the identification of earthquake risk; and (3) support research and special studies, appropriate mitigation measures, and response/recovery actions from earthquakes. In 2000, the committee produced the document “Oregon at Risk” which is an earthquake educational tool for policymakers, educators, and the general public.
- Office of Emergency Management (OEM) – OEM primarily assists local governments in recovery operations following an earthquake or other emergency, and provides information about hazards and risk reduction. It also coordinates with the Federal Emergency Management Agency (FEMA) and administers federal disaster relief funds after the president declares a major disaster. OEM has produced the “Oregon Emergency Management Plan” that describes how the various state agencies will make a coordinated response to an emergency. It includes specific response procedures for earthquakes. In addition OEM, in cooperation with other state agencies, produced the “Natural Hazards Mitigation Plan.” It describes and references all of the risk reduction measures recommended in other plans and sources for various natural hazards including earthquakes.

Gresham’s Seismic Risk & Preparedness Measures

Metro and DOGAMI have created a map (“Portland Metropolitan Relative Earthquake Hazards Map”) that shows the various areas of the region and their relative risk of being subject to earthquake hazards, either from a subduction zone or crustal fault earthquake. These hazards are ground shaking, slope instability, and liquefaction. The map is divided into four zones: Zones A, B, C, and D. Areas in Zone A have the greatest risk being subject to one or more of the above earthquake hazards while areas in Zone D have the least risk. Most of the Zone A and B areas on the regional map are located in downtown Portland/ inner eastside and northwest Portland, the West Hills, as well as the west side of the region, particularly the Beaverton, Tigard and Tualatin areas. Zone D, the area with the least risk, affects most of east Multnomah County and Gresham.

However, there are two areas of Gresham, comprising about 20% of the city, where the higher risk zones apply. These are the Columbia River shoreline area in the north part of the city and the buttes in the south part. The shoreline area, between the river and slough, is within Zone A (greatest risk) and Zone B because of its shallow water table and the potential for liquefaction during an earthquake. The slopes of Grant Butte and Gresham Butte are within Zones B and C because of their potential for slumping and landslides.

Gresham has addressed the potential damage from earthquakes in the following areas:

- The Gresham Emergency Operations Plan (EOP) sets forth the City's action plan and describes how its departments will respond to various natural hazards and other emergencies. Section III-B of the plan addresses earthquakes. In addition to structural damage to buildings, the plan states that an earthquake of between 6.0 and 8.0 on the Richter Scale may include fires/explosions, disruption of vital services such as water and power, looting, and flooding from dam failures on the Columbia and Sandy rivers. The emergency actions listed in the EOP that describe how the City would respond to an earthquake take these possible consequences into account.
- The City's Building Codes Division of the Community and Economic Development Department (CEDD) reviews building permit applications for compliance with IBC and IRC requirements. The division has a structural engineer who reviews plans for buildings subject to the above-described state seismic standards.
- Gresham's development code has the Hillside Physical Constraint Overlay District that limits development on the buttes and other areas with slopes of 15% or greater. These areas are shown on the Hillside Special Purpose District Map. Among the purposes of this overlay is to ensure that development proposed on or near hillsides conforms to the natural topography and minimizes the potential of earth movement such as landslides. In general, this overlay limits the percentage of lot area that can be disturbed (by grading, etc.) or developed, essentially allows only needed roads and utilities on slopes of 35% or greater, and requires a soils and geology report as part of a development application in order to evaluate slope stability, seismic conditions/risk, and other geological conditions.

Those areas on the buttes that, in the opinion of DOGAMI, are particularly susceptible to landslides ("Higher Landslide Risk Area") are also shown on the special purpose district map. For proposed development in these areas and in areas with slopes of 35% or greater, the hillside district also requires a geotechnical report prepared by a geotechnical engineer. The report must describe those design and construction measures that will be taken in order to reduce the potential for landslides and to maintain slope stability. DOGAMI staff as well as the City's geotechnical engineering consultant then review the report and make comments that are incorporated into the staff report.

SUMMARY OF MAJOR ISSUES

The following are some of the issues, circumstances, and conditions that were considered in the update of this comprehensive plan chapter.

- Oregon has a geologic history of large-scale Cascadia Subduction Zone earthquakes that have affected a wide area of the Pacific Northwest, as well as localized crustal fault earthquakes of smaller magnitude. If the epicenter of a crustal fault earthquake is located in or near an urban area, it is still capable of causing much damage and loss of life.
- There are four earthquake related hazards: tsunamis, ground shaking, liquefaction near water bodies, and landslides on steep slopes. The latter three could affect the Portland area.

- There are five state entities involved with earthquake awareness and preparedness. These are: the Department of Land Conservation and Development (DLCD), Department of Geology and Mineral Industries (DOGAMI), State Building Codes Division, Oregon Seismic Safety Policy Advisory Commission, and the Office of Emergency Management.
- Compared to the rest of the region, most of Gresham and east Multnomah County has been found by DOGAMI to have the least risk of experiencing major earthquake damage. However, the Columbia River shoreline area and the slopes of the buttes have the potential for liquefaction and landslides, respectively.
- Gresham has addressed the potential for damage from earthquakes through its Emergency Operations Plan, applying building code seismic standards to new structures and ensuring that development on hillsides is designed and constructed in a way that takes into account seismic risks and the potential for landslides.

GOAL, POLICIES AND ACTION MEASURES

Goal

Protect life and property from earthquake damage.

Policies

1. The City shall coordinate with Oregon Department of Geology and Mineral Industries (DOGAMI), Metro, and other agencies in the maintenance of up-to-date earthquake hazard maps and related information.
2. The City shall, as required and as new seismic risk information becomes available, adopt regulations to protect the public from earthquake hazards.
3. The City shall coordinate its earthquake emergency response planning with the Federal Emergency Management Agency (FEMA), Multnomah County Emergency Management Department, neighboring cities, and other government agencies.
4. The City shall require new development to comply with all applicable seismic building and development code standards for minimizing earthquake damage.
5. In regard to public facilities:
 - (a) The City shall design and construct public facilities in a way that takes into account potential earthquake hazards.
 - (b) The City shall upgrade the seismic resistance of existing public facilities to meet current standards, as funds become available.

Action Measures

1. Maintain and make available to the public, current earthquake hazards information such as earthquake hazards maps, earthquake preparedness tips for homes/schools/businesses, and seismic-related building code standards for developers.
2. Integrate earthquake safety planning into City operations.

3. Review and modify as necessary, to reflect current resources and new seismic information, the City's Emergency Operations Plan that describes how the City's departments will respond to an earthquake and its after-effects.
4. Assess potential earthquake damage to the City's infrastructure and plan for corrective measures, especially in the most seismically vulnerable parts of Gresham, i.e. near the Columbia River shoreline and on the slopes of the buttes.

First reading: February 7, 2006

Second reading and passed: February 21, 2006

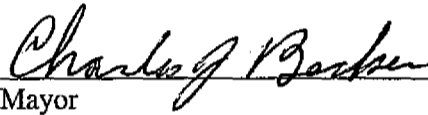
Yes: Becker, Echols, Bemis, Craddick, Widmark, Warr-King

No: None

Absent: McIntire

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 AMENDMENTS TO VOLUME)	Order No. 584
2, POLICIES, OF THE GRESHAM COMMUNITY)	
DEVELOPMENT PLAN, REGARDING STATEWIDE)	CPA 05-2000
GOAL 7, NATURAL HAZARDS – AREAS SUBJECT)	
TO FLOODING, EARTHQUAKES AND)	
LANDSLIDE HAZARDS; AND STATE GOAL 10)	
HOUSING (RESIDENTIAL LANDS))	

On February 7, 2006, the City Council held a public hearing to take testimony on amendments to Volume 2, Policies, of the Gresham Community Development Plan. The amendments update goals, policies, and action measures as they pertain to Statewide Goal 7, Natural Hazards—Areas Subject to Flooding, Earthquakes and Landslide Hazards; and Statewide Goal 10 Housing (Residential Lands)

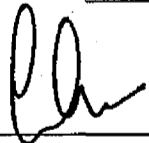
The hearing was conducted under Type IV procedures. Mayor Charles Becker presided at the hearing.

The Council closed the public hearing and approved the proposed amendments, with amendment to Action Measure No. 3 to include language addressing incompatible development, at the February 7, 2006 meeting, and a decision was made at the February 21, 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: February 21, 2006



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 05-2000

A public hearing was held on November 28, 2005, upon an application to consider proposed amendments to Volume 2, Policies Document, of the Gresham Community Development Plan regarding to update Goals, Policies and Action Measures regarding Statewide Goal 7, Natural Hazards – Areas subject to Flooding, Earthquakes and Landslide Hazards; and Statewide Goal 10 – Housing (Residential Lands).

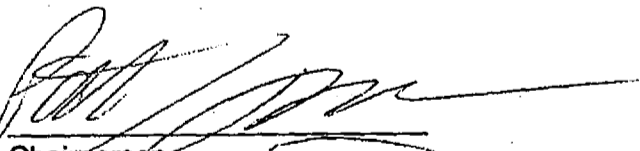
The Commission closed the public hearing at the November 28, 2005 meeting, and a final recommendation to Council was made at the November 28, 2005 meeting.

Pat Speer, Vice-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 amendments:

Replace Map No. 1 on Page 16 of draft council bill with the attached revised Map No. 1.



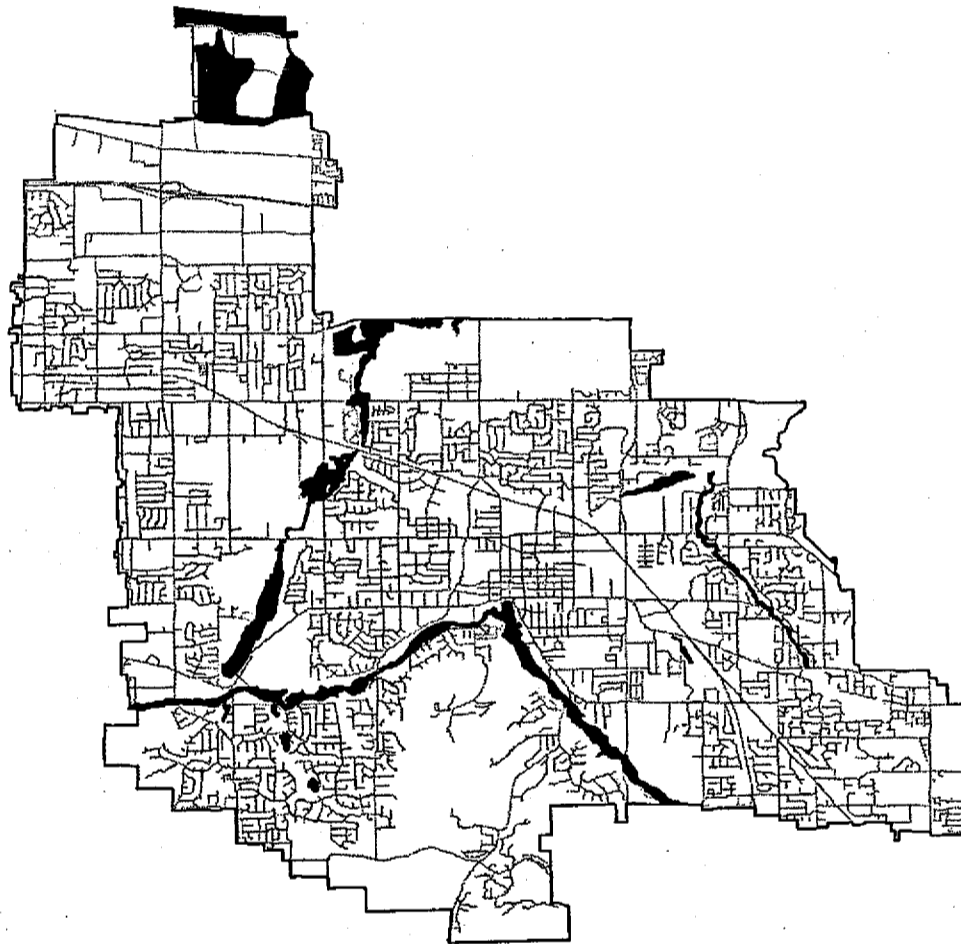
Chairperson

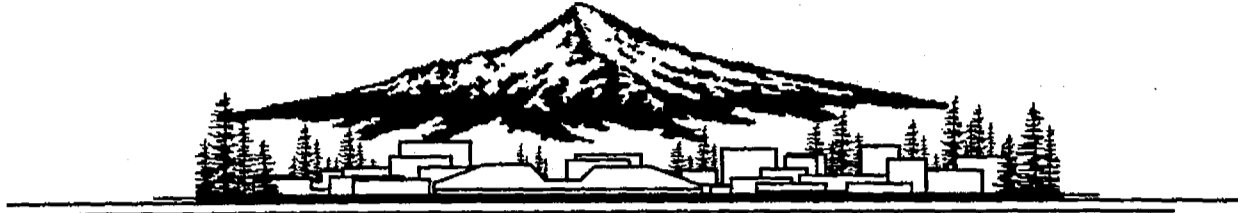
11-28-05

Date

Map No. 1

FEMA 100-year Floodplains





MEMORANDUM

*Comprehensive Planning
Community Development Department
City of Gresham*

STAFF REPORT TYPE IV HEARING

Part 1: Statewide Planning Goal 10, Housing -- Residential Lands

**COMPREHENSIVE PLAN TEXT AMENDMENTS
PERTAINING TO: 1) DELETING EXISTING COMPREHENSIVE PLAN
SECTIONS 3.111 – RESIDENTIAL LANDS AND 10.600 HOUSING AND
REPLACING THE SAME WITH UPDATED RESIDENTIAL LANDS GOALS,
POLICIES AND ACTION MEASURES**

Part 2: Statewide Planning Goal 7, Areas Subject to Natural Hazards

**COMPREHENSIVE PLAN TEXT AMENDMENTS
PERTAINING TO: 2) DELETING EXISTING COMPREHENSIVE PLAN
SECTIONS 10.210 PHYSICAL CONSTRAINTS; 10.211, GEOLOGICAL
CONSTRAINTS; 10.212, SOIL CONSTRAINTS; 10.213, TOPOGRAPHICAL
CONSTRAINTS AND 10.214, HYDROLOGICAL CONSTRAINTS AND
REPLACING THE SAME WITH UPDATED GOALS, POLICIES AND ACTION
MEASURES PERTAINING TO AREAS SUBJECT TO FLOODING;
EARTHQUAKE HAZARDS; STEEP SLOPES/LANDSLIDE HAZARDS**

TO: City of Gresham Planning Commission

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

HEARING DATE: November 28, 2005

REPORT DATE: November 18, 2004

FILE: CPA 05-2000

PROPOSAL: To amend "Volume 2, Policies" of the Gresham
Community Development Plan as follows:

Part 1: Delete existing Comprehensive Plan chapters pertaining to Housing and Residential Lands and replace the same with and updated Comprehensive Plan Chapter.

Part 2: Delete existing Comprehensive Plan chapters/sections pertaining to physical, geological, soil topographical and hydrologic constraints and replace the same with an updated Comprehensive Plan Chapter that includes goals, policies and action measures pertaining to areas subject to flooding, earthquake hazards, steep slopes/landslide areas.

EXHIBITS: A. Proposed Text Amendments (Council Bill Format)

RECOMMENDATION: Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Comprehensive Plan text amendments contained in Exhibit A.

INTRODUCTION

The City of Gresham is engaged in a complete review and update of its Comprehensive Land Use Plan Text including findings, goals, policies and action measures. This is a substantive effort to update the policy basis for the City's land use program. This is important because the last time the Gresham's Comprehensive Plan was updated cover-to-cover was in 1989. Consequently many parts of the Plan text are out of date with current land use laws, administrative rules and with current City conditions and circumstances.

In December of 2003 the City Council adopted Gresham's completed Periodic Review, which included several updated Comprehensive Plan chapters. Subsequently, in March 2004, the Department of Land Conservation and Development approved the City's Periodic Review submittal.

At the same time that the City began work to complete the state mandated Periodic Review process in 2002, the Council and Planning Commission directed staff to undertake a complete update of those policy portions of the Comprehensive Plan not included in the Periodic Review. This is another installment in the update of the Comprehensive Plan.

The chapters proposed for Planning Commission hearing are those pertaining to Statewide Planning Goal 10, Housing/Residential Lands, and Statewide Planning Goal 7, Areas Subject to Natural Hazards. Please note that due to the complexity of these amendments, the Planning Commission has directed that staff prepare the staff report in two parts. Part 1 constitutes findings, conclusions and recommendations pertaining to amendments to the Plan's Residential Lands and Housing Chapters. Part two addresses changes to the Comprehensive Plan Chapter on Statewide Planning Goal 7, Areas Prone to Natural Hazards.

PART 1 – HOUSING, RESIDENTIAL LANDS

SECTION 1 BACKGROUND INFORMATION

Goal 10 Housing, Residential Lands – Summary of Issues

These changes to the Comprehensive Plan are made necessary by substantive changes in local conditions and circumstances that have occurred since the existing Residential Lands and Housing Chapters were adopted. For example:

1. There has been rapid residential growth in Gresham during the past twenty years. The City has grown from a small community to a mid-sized suburban City. A significant characteristic of residential growth has been the substantial increase in the growth of multi-family housing.
2. Gresham has developed primarily as a residential city, or “bedroom community”. Many residents commute to jobs elsewhere in the region. Consequently, the City has much lower jobs to household ratio than the region’s overall average and other Metro area jurisdictions.
3. Most of the easily developable residential land within the City limits has been built on. There are very few large single-family and multi-family zoned parcels remaining. There will be more residential development on the more difficult to develop infill properties and underutilized land. The most significant large-scale residential development will be in the Pleasant Valley and Springwater urban growth areas.
4. Gresham complies with Metro Functional Plan Title 1 and Statewide Planning Goal 10, Housing Requirements. However, mixed-use housing, a substantial part of the City's projected housing growth has not materialized. Progress in meeting the City's Metro Housing target has occurred primarily through development of more easily developed vacant residential land.
5. Gresham exceeds the state requirements to provide the opportunity for development to occur at a 50-50 mix of attached and detached dwelling units and at a density of 10 units an acre. Gresham provides the opportunity for density to occur at 14.5 units an acre and at a 62.5 -37.5 mix of attached / detached units.
6. Gresham provides substantial low and moderate-income market rate housing. However, like other jurisdictions, the largest assisted housing need is for those persons with incomes below 51% of median-family income. This type of housing requires a very high level of public subsidy, much beyond the capacity of the City.
7. Gresham's land use program provides opportunities to develop the full range of assisted and community service housing to meet the needs of persons with low incomes and special needs.

8. Many citizens have expressed concerns about residential land use. Many of these issues focus on development code and Plan Map amendments that occurred in the mid and late 1990s which increased density. The City Council has received several recommendations from its Community Land Use Task Force regarding ways to promote quality development and preserve neighborhood quality. Council has directed staff to bring it land use policy and code amendments that address these matters. Some of the specific issues, which the Land Use Task Force is recommending action on include:

- Greater choice for those seeking single-family residential housing including larger single-family lots;
- Site and building design standards, especially for infill development, and other measures to ensure compatibility between existing neighborhoods and dissimilar residential and other land uses;
- Improved tree protection, landscape and streetscapes standards;
- Habitability standards to improve the quality of existing rental housing;
- Improved design standards for multi-family and attached single-family housing;
- Actions to ensure more cohesive and livable residential neighborhoods.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE
PROCEDURES**

- A. Section 11.0400 Legislative Actions
- B. Section 11.0205 Type IV Procedure – Legislative

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- 10.014 Land Use Planning -- Goal; Policies 1, 3 (a), 4, 9, 12, 13, 23, 25
- 10.100 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 11
- 10.311 Residential Land Use -- Policies 2
- 10.314 Downtown Area Development --Policy
- 10.318 Gresham Civic Neighborhood – Policy
- 10.319 Central Rockwood Area -- Central Rockwood Land Use Policy
- 10.610 Housing -- Policy 1
- 10.630 Home Ownership, Policy 2
- 10.640 Rehabilitation of Existing Housing Stock, Policy
- 10.650 Maintenance of Existing Units
- 10.660 Geographic Mix of Housing Choices

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

The proposed amendments to Volume 2, Policies, 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.

A. Community Development Code Procedures

Section 11.0400 – 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.

Section 11.0205 – Type IV Procedure: Both the Planning Commission and City Council will consider this proposal at public hearings in conformance with this section.

B. Community Development Plan Policies (Volume II)

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

10.014 Land Use Planning -- Goal; Policies 1, 3(a), 4, 9, 12, 13, 20, 23, 25

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.

Findings: It is referenced in the above "Background" that there have been substantive changes in conditions and circumstances since the Residential Lands Chapter and the Housing Chapters of Gresham's Comprehensive Plan were last updated. This necessitates the review and update of these Comprehensive Plan chapters in order to provide Gresham decision makers, citizens, and staff with relevant policy tools to aid in land use decision-making.

Making sound and legally defensible land use decisions is also in the best interests of Gresham and necessary to avoid political, social and financial costs. Sound and legally defensible quasi-judicial and legislative decisions are an essential part of sound governance and the economic stability of the community. Sound and legally defensible land use decisions require policies and criteria that are up-to-date and relevant to current and projected conditions and circumstances. Furthermore, the context of land use planning has changed significantly in Gresham since the Plan was last comprehensively

updated in 1989. During the last 15 years these changes have resulted in a more complex land use system involving a number of changed governmental structures, laws, administrative rules and social and economic conditions. Therefore, it is in the best interest of Gresham that its land use plan be structured to accommodate and address these changed conditions and circumstances.

Furthermore, it is found that the City of Gresham Comprehensive Plan's emphasis is on land use planning, as stipulated within Oregon Statutes (ORS 197 and 227) and the State wide Planning Goals. Therefore, to be consistent with this purpose it is necessary to remove from the Comprehensive Plan, chapters pertaining to housing that address programs and activities associated with the provision of moderate and low income housing through programs provided by the United States Department of Housing and Urban Development. The Portland Area Housing Consortium, of which the City of Gresham is a member, administers these programs. The sections to be deleted are 10.610, 10.630 through 10.660

The City of Gresham finds that these particular policies and implementation strategies are more suited for the joint "Consolidated Plan" prepared by Portland Area Housing Consortium members. The Consolidated Plan is required to be updated/amended every five years to reflect contemporary conditions and circumstances pertaining to the provision of needed low and moderate-income housing within the Portland Area.

Therefore, the deletion of the proposed chapters does not affect the desired outcome of providing opportunities for low and moderate-income housing. The City maintains an entire program area, Community Revitalization, directed toward this purpose

Furthermore deleting the proposed Plan chapters does not affect the ability of the City to undertake land use actions to promote the provision of this type of needed housing, or to coordinate with other entities to do the same. For example, the proposed Residential Lands Chapter recognizes the needs to address the requirements of those persons requiring specialized housing; enhance the habitability of existing housing; prevent blight; promote safe and healthy living environments; provide ways to accommodate nontraditional housing; work with housing providers to promote ownership housing opportunities, and generally support housing affordability.

Existing Sections 10.610, 10.630 through 10.660 imply a number of actions that the city cannot undertake through its land use authority in terms of directly providing low and moderate-income housing and other programs. The City is not a Housing Provider. It neither has funds or regulatory authority to undertake housing development or to institute such things as a housing voucher program. These responsibilities are more appropriate to the Regional Housing Consortium. Therefore, it is in the City's best interests to ensure that these objectives are addressed in the policy context of the Consolidated plan and the region's Comprehensive Housing Affordability Strategy. It is in the City's best interest that the primary function of the Comprehensive Plan be the foundation of the City's land use-planning program and not be mixed with the functions of another entity.

Conclusions: Based on the above findings, the proposed changes to the Comprehensive Plan are consistent with above referenced Comprehensive Plan goal and policy.

Policy 3 (a): Gresham's Community Development Plan Map shall implement the Comprehensive Plan by providing for a range of needed urban land uses including (a) Residential.

Findings: It is found that the proposal to amend the Comprehensive Planned text provides direction to the City's arrangement of urban land uses on the Plan Map by specifically identifying criteria to guide the location of low, medium, and high-density residential land uses. For example, proposed policies 6, 7 and 8 state:

Proposed Policies

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 the future. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment and recreation.
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 an emphasis on new centers.
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.

Conclusions: Based on the above findings it is concluded that the proposed amendment implements the above Land Use Planning Policy 3(a).

Policy 4: The City shall promote a development pattern of land uses in the amounts types and of sufficient economic values to advance the community's quality of life and its social and fiscal stability

Findings: The proposed changes to the Comprehensive Plan text amendment include Policy 1 that states:

Proposed Policy

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

Furthermore, the proposed Plan amendments and policies address the need to promote quality housing development and design innovation through methods such as planned residential development and master planning standards. The proposed policies also address the need for measures to mitigate adverse impacts on residential neighborhoods from adjacent land uses and ensure protection of existing vegetation, natural resources and preservation of open spaces. These policies emphasize that the City shall make land

use decisions to advance the quality of its residential land uses. High-quality neighborhoods in turn contribute to the community's social and fiscal stability.

Conclusions: For the reasons stated above, it is concluded that the proposed Plan amendments implement Land Use Planning Policy 4.

Policy 9: The City shall require new development to address the need for compatibility between itself and adjacent land uses to minimize conflicts between differing uses and building types.

Findings: The proposed Plan text amendments recognize the need for compatibility between adjacent land uses. The proposal also recognizes the need to minimize conflicts between differing land uses and building types. This is evidenced by proposed policies 9 and 10 that state:

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 transitions 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.
10. The City shall require infill development to incorporate features that make it compatible with existing neighborhoods.

Conclusion: Based on the above findings it is concluded that the proposed amendments to the Comprehensive Plan implement Land Use Planning, Policy 9.

Policy 12: The City shall establish design standards to assure quality development and enhance the community's attractiveness and livability.

Policy 13: The City may allow single-family residential subdivisions and multi-structural commercial, institutional, industrial and multi-family projects to be submitted as planned developments to promote innovative design, protect natural resources and open space areas to provide flexibility necessary for developers to adapt projects to site conditions.

Findings:

The proposed Plan text amendments address the need for residential design and development quality through the following proposed policies. In addition, the policies

support Land Use Policy 13 that allows residential development to be submitted as planned developments.

1. The City shall promote housing development and design innovation and quality through methods such as planned residential development and master planning standards.
2. The City shall require multi-family and other attached housing development to conform to community design and development standards.

Conclusion: Based on the above findings, the proposed text amendments comply with Land Use Planning, Policy 12 and 13.

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

Findings: The proposal to adopt new Residential Land goals, policies and action measures and to delete the above mentioned Comprehensive Plan sections has been coordinated with affected jurisdiction agencies and special districts through the Post Acknowledgment Plan Amendment process required by the Department of Land Conservation and Development (DLCD). No comments have been received from either DLCD or other agencies or special districts.

Conclusion: Based on the above findings the proposal complies with Land Use Planning Policy 23.

Policy 25: Gresham shall adopt measures to ensure the geographic dispersal of special use housing, community services, and multi-family housing to avoid the concentration of these uses and their impacts and specific locales.

Findings: The proposed Comprehensive Plan text amendment includes the following policy statements that support Land Use Policy 25:

3. 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. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment, and recreation.
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 an emphasis on new centers.

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.

These policy statements provide direction to City decision makers to consider specific locational criteria when assigning land use designations and supporting development of high and medium-density housing within certain areas.

Conclusion: The proposed Comprehensive Plan text amendments implement Land Use Planning Policy 25 for the reasons stated above.

10.100 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 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.

Policies:

1. The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.
2. The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions.
3. The City shall foster regular and ongoing two-way communication between citizens and City elected and appointed officials.
10. The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.
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 of Gresham Planning Commission has held numerous public work sessions on the topic of Residential Lands Comprehensive Plan Policies. The Planning Commission coordinated the development of the Residential Lands Comprehensive Plan Chapter with the City's Housing and Community Development Committee. A representative of the Committee (Vice Chair) attended the Planning Commission work session and communicated the Committee's views. A draft of the Residential Lands Chapter was delivered to the City's Neighborhood Associations and Land Use chairs and to the Gresham Neighborhood Association Coalition. Staff also had an opportunity to present the proposed Chapter to the Community Land Use Task Force and to the Kelly Creek Neighborhood Association. Press releases regarding this matter were distributed to the local newspaper and public notices, per state law, regarding the Commission's Public Hearing were also placed in the local paper.

Conclusion: The process to hold public hearings and to make recommendations regarding adoption of the proposed amendments to the City Council is consistent with Citizen Involvement goals and policies as listed above.

10.311 Residential Land Use – Policy 2

Policy 2: It is the City's policy to establish locational criteria for different housing types; to require a planned approach to the development of multiple unit housing through a process which requires site design review and encourages design compatibility with established residential areas; to employ buffering and screening standards to facilitate compatibility between different housing types and to maintain the livability of existing neighborhoods by providing a full range of urban services.

Findings:

The proposed Comprehensive Plan text amendments include the following policies that establish locational criteria for different housing types. These proposed policies also support a planned approach to the development of housing through design processes. Furthermore, they encourage design compatibility with established residential areas and make specific mention of mitigation, buffering, and screening standards to facilitate compatibility.

Proposed Policies

4. The City shall promote housing development and design innovation and quality through methods such as planned residential development and master planning standards.
5. The City shall require multi-family and other attached housing development to conform to community design and development standards.
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. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment, and recreation.
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 an emphasis on new centers.
9. 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.

10. 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:

- d. Orderly transitions from one residential density to another such as lot-size compatibility standards,
- e. Protection of existing vegetation and natural resources, provision of open space, and
- f. Installation of effective buffering and screening.

Conclusions: Based on the above findings the proposed Comprehensive Plan text amendments are consistent with Residential Lands Policy 2.

10.314 Downtown Area Development –Policy

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 in the highest development densities

Findings: The proposed Comprehensive Plan text amendments implement the Downtown Area Development policy through the following Policy 6 that supports the development of high and medium-density housing in areas such as centers (the Gresham Downtown Area and Corridors).

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. Public and private services and activities include but are not limited to transportation, employment, commercial services, entertainment, and recreation.

Conclusion: The proposed Comprehensive Plan text amendments implement the Downtown Area Development policy for the reasons stated above.

10.318 Gresham Civic Neighborhood – Policy

Policy: It is the City's policy to create on the Gresham Civic Neighborhood site a mixed-use, transit-oriented urban environment with a strong civic presence, accommodating some of the highest intensities of residential and commercial uses in Gresham.

Findings: For the same reasons that the proposed Plan text amendments implement the Downtown Area policy, it is found that they also implement the Gresham Civic Neighborhood policy by explicitly stating that medium and high density housing shall be provided for in areas such as centers and corridors.

Conclusions: It is concluded that the proposed Plan text amendments implement the Gresham Civic Neighborhood Policy for the reasons stated above

Central Rockwood Area -- Central Rockwood Land Use - Policy

Policy: The City will permit and encourage land use types and densities of uses which accommodate forecasted growth, support creation of a pedestrian friendly, transit oriented live/work district and are otherwise consistent with the Gresham 2020 vision and the Metro 2040 Functional Plan.

Findings: The proposed Residential Lands Plan text amendment emphasizes the location of high and medium-density housing in areas such as the Central Rockwood Town Center, where public and private services and economic activity are present and which support higher population densities. Furthermore, the City seeks to disperse higher density housing in these areas where services jobs and transportation facilities are present or planned to support higher population densities.

Conclusion: For the reasons stated above the proposed Comprehensive Plan text amendments are consistent with the Central Rockwood Land Use Policy.

10.611 Housing -- Policy 1

Policy 1: The City will coordinate its policies and programs to create an environment that encourages an adequate supply of safe housing that is commensurate with the financial capabilities of people and their families who work and live in Gresham and for persons with special needs.

Findings: The goal of Gresham's Comprehensive Plan Residential Lands Chapter is to "Ensure adequate quality housing for existing and future residents." To this end, proposed Policy 2 states that "The City shall designate adequate lands and make available land use processes to provide opportunities to develop a variety of housing types and locations and at densities consistent with its goals." Therefore, to implement the Residential Lands goal the City commits to undertake the needed land use actions to provide opportunities to develop needed housing. However, it is important to note that Metro plays a key role in the provision of adequate land supply for urban uses. Metro manages the Urban Growth Boundary pursuant to state statute. The proposed chapter recognizes this in Action Measure 1 that states:

1. Ensure the City's housing and employment policy objectives are addressed at the regional level by working with Metro and other agencies and jurisdictions in development and allocation of regional housing and employment projections and subsequent changes in the regional urban growth boundary.

Pertaining to the need for special needs housing, proposed Policy 13 supports the housing policy by stating:

10. The City's land use program shall provide development opportunities to meet the needs of persons requiring specialized housing such as the aged and those requiring care for disabilities. The scale, design, intensity and operation of this kind of housing

shall be compatible with other land uses and located near supportive community services and activities.

Conclusions: For the reasons stated above, it is concluded that the proposed Comprehensive Plan text amendments are consistent with Housing Policy 1.

10.631 Home Ownership -- Policy 2

Policy 2: The City will seek to facilitate expansion of home ownership opportunities for households earning less than 100% median family income (MFI).

Findings: The goal of the proposed Residential Lands Chapter is referenced above. The City will seek to designate adequate lands and make available land use processes to provide opportunities to develop housing types consistent with its goals. Some of both current and future Gresham residents will have incomes below 100% of median family income and Gresham's land use policies, and processes will not impede the opportunity for home ownership for these income groups. An important aspect of Gresham's housing stock is that according to the Department of Housing and Urban Development the median price for a single-family home in Gresham in 2005 was about \$165,000. At current interest rates, homes beginning at this price and lower are affordable to families making 80% of median family income. Therefore, there exists home ownership opportunities for households earning less than 100% of median family income.

It is important to point out, however, that the role of the Comprehensive Plan and its implementing regulations is to provide a regulatory land use program and manage urban growth. Efforts to facilitate expansion of home ownership opportunities belong more appropriately in the City's Community Revitalization department which administers federal housing and urban development funds.

Conclusion: For the above stated reasons, it is concluded that the proposed Comprehensive Plan text amendments are consistent with Home Ownership Policy 2.

Other Existing Housing Policies (10.640, 10.650, 10.660)

Staff Commentary: Even though these existing policies are proposed to be deleted from the Comprehensive Plan, it is important to state the proposed Residential Lands Chapter recognizes the relationship between good land use policy and the availability of quality, habitable housing. However, as previously stated, the City's land use program cannot be directly responsible for rehabilitation of or maintenance of existing housing stock. The City can, through arrangement of residential land uses on its Community Plan Map and implementing regulations, provide for a geographic arrangement and mix of housing. It cannot, through land use measures and action available to it, substantively affect the cost of housing. As previously found, the market provides for a substantial amount of housing in Gresham, that meets the housing needs of households with 100-51% of median family income. Households at 51% and below of median family income require subsidy and other market interventions which the City cannot undertake. These kinds of direct interventions in the housing market are more appropriate for the Regional Housing

Consortium, Housing Agencies, the State of Oregon, and others working with the City's Community Revitalization function.

10.640 Rehabilitation of Existing Housing Stock -- Policy

Policy: It is the City's policy to encourage and seek to assist in the acquisition and rehabilitation of existing multi-family and single-family units as affordable housing units.

10.650 Maintenance of Existing Units -- Policy

Policy: It is the City's policy that housing units (single-family and multi-family/ownership and rental) be maintained so that residents have healthy and safe living conditions and the appearance of the housing contributes to the livability of the surrounding neighborhood.

10.660 Geographic Mix of Housing Choices -- Policy

Policy: It is the City's policy to seek to maximize housing choices by providing opportunities for a mix of housing types throughout the city at prices and rents that are affordable to a wide range of households.

Findings: As stated above it is important to stress that it is not the land use program's purpose to acquire and rehabilitate housing or to maintain it. However, the proposed Comprehensive Plan chapter recognizes that habitable and attractive housing supports good land use policy. The more quality habitable housing that exists, the less pressure there is to expand the Urban Growth Boundary. The rehabilitation and maintenance of existing housing stock contributes to a logical and efficient land use pattern.

Therefore the proposed comprehensive plan amendments, Action Measures 2, 4, 9, 10, 12, 13, 14, 15 and 16 specifically state the City's intention to coordinate its land use program with the housing issues associated with rehabilitation, maintenance and geographic mix of housing choices.

2. Work with property owners to develop viable economic uses of deteriorated, vacant or under-developed high-density residential properties.
4. Promote the habitability and quality of existing housing stock through means such as effective code enforcement and code violation follow-through, habitability standards, rental licensing and inspection, etc.
9. Develop regulations, standards, educational tools and incentives to induce property owners to maintain residential property to prevent blight and promote safe and healthy living environments.
10. Support the integrity of the City's land use program by developing and enforcing codes and regulations to abate public health and safety problems associated with residential dwellings being used for unlawful purposes.

12. Development standards, regulations and incentives to induce property owners to develop deteriorated, marginally habitable residential properties to more viable economic uses.
13. When updating City fees, charges, regulations and procedures, consider ways to promote housing affordability including ways to reduce costs for special needs housing.
14. The City will work with housing providers to promote ownership housing opportunities in areas where there is the need to support community stability.
15. The City will work with housing providers to assure its land use regulations facilitate the rehabilitation and redevelopment of deteriorated residential properties.
16. The City will continue to support housing affordability, special needs housing, ownership opportunities and housing rehabilitation through its CDBG and HOME programs and in conjunction with neighboring jurisdictions and agencies such as Multnomah County Housing Consortium and its Consolidated Plan.

Conclusion: For the above stated reasons, it is concluded that the proposed Comprehensive Plan text amendments are consistent with the above housing policies.

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

It is determined that the Metro Functional Plan does not apply to the proposed amendments to the City's Comprehensive Plan. In particular, it will not change actual land designation and thereby affect the City's currently acknowledged housing or employment capacity.

Furthermore, the proposal does not propose other changes that would affect implementation of Titles 2, 3, 4, 5, 6 or 7.

Statewide Planning Goals

Findings: Statewide Planning Goal 10, Housing, applies to this proposal.

Statewide Planning Goal 10 requires Gresham and other jurisdictions within the Metro area to provide the opportunity to develop at a density of 10 units per acre with a mix of

50% attached and 50% detached residential units. The proposed goals and policies do not affect the City's current zoning designations, which provide an opportunity for development at 14.5 units per acre with a 62.5 - 37.5% mix of attached versus detached units.

Furthermore, in addition to the above requirements, there are other requirements which these proposed Comprehensive Plan text amendments do not affect. These are:

- Provide clear and objective approval standards for needed housing that must not have the effect that discourages needed housing through unreasonable cost or delay;
- Apply specific land use designations for residential uses;
- Not impose any restrictions on housing tenure that restricts the construction of either rental or owner occupied housing, unless such restriction is justified by an analysis of housing need according to tenure or otherwise demonstrate that such restrictions comply with ORS 197.303 (a) and 197.490.
- Conduct a buildable residential land inventory that documents the amount of buildable land in each residential plan designation. This was done at the last City of Gresham periodic review acknowledged and accepted by LCDC in 2004.

Conclusion: The proposal complies with Statewide Planning Goal 10 for the reasons provided.

SECTION VI OVERALL CONCLUSION

The proposed Plan text amendments attached as Exhibit A are consistent with applicable criteria, including the policies of the Community Development Plan and the Statewide Planning Goals, as contained or referenced within this report.

SECTION VII RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Plan text amendments as contained in Exhibit A.

PART 2: AREAS SUBJECT TO NATURAL HAZARDS

SECTION 1 BACKGROUND INFORMATION

GOAL 7, AREAS SUBJECT TO NATURAL HAZARDS -- SUMMARY OF MAJOR ISSUES

These changes to the Comprehensive Plan are made necessary by substantive changes in conditions and circumstances that have occurred since the existing policies and implementation strategies measures pertaining to natural hazards were last updated in 1989. The following lists the changed conditions and circumstances which are addressed by the new Comprehensive Plan sections:

Earthquakes

1. Oregon has a geologic history of large-scale Cascadia Subduction Zone earthquakes that have affected a wide area of the Pacific Northwest, as well as localized crustal fault earthquakes of smaller magnitude. These events are capable of causing much damage and loss of life.
2. There are four earthquake related hazards: tsunamis, ground shaking, liquefaction near water bodies, and landslides on steep slopes. The latter three could affect the Portland area, including Gresham.
3. There are five state entities involved with earthquake awareness and preparedness. These are: the Department of Land Conservation and Development (DLCD), Department of Geology and Mineral Industries (DOGAMI), State Building Codes Division, Oregon Seismic Safety Policy Advisory Commission, and the Office of Emergency Management. It is important that Gresham coordinate with these state agencies and its emergency preparedness plans.
4. Compared to the rest of the region, most of Gresham and east Multnomah County has been found by DOGAMI to have the least risk of experiencing major earthquake damage. However, the Columbia River shoreline area and the slopes of the buttes have the potential for liquefaction and landslides, respectively.
5. Gresham has addressed the potential for damage from earthquakes through its Emergency Operations Plan, applying building code seismic standards to new structures and ensuring that development on hillsides is designed and constructed in a way that takes into account seismic risks and the potential for landslides.

Flooding

6. Flooding in Gresham is confined to relatively small areas near its creeks. The Marine Drive dike and the other drainage facilities located in the

South Shore area, which are maintained by Multnomah County Drainage District #1, help prevent major flooding by the Columbia River.

7. The City first adopted the Federal Emergency Management Agency (FEMA) regulations for developing in floodplains in 1980.
8. The Community Development Code's Flood Plain Overlay District was adopted in 1988. It has been amended since to be consistent with new FEMA rules.
9. The most recent FEMA floodplain study for Gresham was completed in 2002 for Kelly Creek.
10. Flooding is a regional issue because many waterways, such as Johnson Creek, cross jurisdictional boundaries. In response, Metro adopted flood plain management regulations as part of its Functional Plan (Title 3) in 1997. Metro standards require "balanced cut and fill" when fill is placed within the 100-year floodplain. Gresham incorporated these standards into its Community Development Code in 1998.
11. Gresham seeks to reduce flooding impacts of existing and new development by constructing regional storm water detention facilities; requiring new development to provide on-site storm water detention; protecting undeveloped riparian and floodplain areas and where possible utilizing green practices.

Steep Slopes / Landslide Hazards

12. Landslides are natural events that can be exacerbated in intensity and frequency by development related activities such as grading and vegetation removal. They typically occur on steep hillsides such as found in the Columbia River Gorge and on the buttes in south Gresham.
13. Geologists acknowledge that debris flows or "rapidly moving landslides" are the most damaging and life threatening kind of earth movement because of their large mass, velocity and distant origin. The state legislature, through Senate Bill 12, directed the state Department of Geology and Mining Industries (DOGAMI) to map areas in western Oregon (including Gresham) that are susceptible to debris flows, adopted development standards for them and authorized local jurisdictions to adopt development regulations for these areas in order to protect lives and property.
14. Gresham controls development on hillsides with slopes of 15% and greater primarily through its Hillside Physical Constraint Overlay District and associated special purpose district map. These standards and map were amended to address Senate Bill 12 and state debris flow information as well as to offer more flexible development standards so that the grading,

vegetation removal and development of steep sloped areas can be minimized and the potential for landslides is reduced. Gresham also implements applicable state building code standards for locating structures on sloped areas such as through its geotechnical report analysis requirements for proposed foundations and retaining walls.

SECTION II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

- A. Section 11.0400 Legislative Actions
- B. Section 11.0205 Type IV Procedure – Legislative

SECTION III APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES

- 10.014 Land Use Planning -- Goal; Policies 1, 3, 5
- 10.100 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 11
- 10.210 Physical Constraints, Policy
- 10.211 Geologic Constraints, Policy
- 10.212 Soil Constraints, Policy
- 10.213 Topographic Constraints, Policy
- 10.214 Hydrologic Constraints, Policy
- 10.220 Natural Resources, Policy
- 10.221 Water Resources Quality, Goal, Policies 4, 5
- 10.333 Storm Water Management System, Goal

SECTION IV FINDINGS OF FACT – CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN

The proposed amendments to Volume 2, Policies, 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.

A. Community Development Code Procedures

Section 11.0400 – 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.

Section 11.205 – Type IV Procedure: Both the Planning Commission and City Council will consider this proposal at public hearings in conformance with this section.

B. Community Development Plan Policies (Volume II)

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

10.014 Land Use Planning -- Goal; Policies 1, 3, 5

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.

Findings: It is referenced in "Background" above that there have been substantive changes in conditions and circumstances since the Physical Constraints / Natural Hazards Sections of Gresham's Comprehensive Plan were last updated. This necessitates the review and update of these Comprehensive Plan chapters in order to provide Gresham decision makers, citizens, and staff with relevant policy tools to aid in land use decision-making to protect life and property.

Making sound and legally defensible land use decisions is also in the best interests of Gresham and necessary to avoid political, social and financial costs. Sound and legally defensible quasi-judicial and legislative decisions are an essential part of sound governance and the economic stability of the community. Sound and legally defensible land use decisions require policies and criteria that are up to date and relevant to current and projected conditions and circumstances. Furthermore, the context of land use planning has changed significantly in Gresham since the plan was last comprehensively updated in 1989. During the last 15 years these changes have resulted in a more complex land use system involving a number of changed governmental structures, laws, administrative rules and social and economic conditions. Therefore, it is in the best interest of Gresham that its land use plan be structured to accommodate and address these changed conditions and circumstances.

Conclusions: Based on the above findings, the proposed changes to the Comprehensive Plan are consistent with above referenced Comprehensive Plan goal and policy.

Policy 3 (a): Gresham's Community Development Plan Map shall implement the Comprehensive Plan by providing for a range of needed urban land uses including (a) Residential; b) Commercial and of this uses including business parks; c) Mixed use; d) Industrial uses; e) Overlay Districts where conditions warrant the use of special regulatory tools, and; f) Community services where compatible with existing land uses.

Findings: It is found that the proposal to amend the Comprehensive Plan text provides direction to the City's arrangement of urban land uses on the Plan Map by specifically identifying criteria to guide urban development in areas subject to natural hazards. For

example, the proposed policies provide specific direction regarding the management of urban development in these areas:

Earthquake Hazards:

1. The City shall coordinate with Oregon Department of Geology and Mineral Industries (DOGAMI), Metro, and other agencies in the maintenance of up-to-date earthquake hazard maps and related information.

Flooding:

1. The City shall use federal, state and local sources to estimate the floodplain's location if an area suspected to be subject to flooding has not been mapped by FEMA. The City shall require the applicant to provide the necessary information needed to substantiate flood boundaries and elevations.

Steep Slopes/ Land Slide Hazard:

1. The Community Development Code shall discourage land divisions in areas over 35% slopes. Property that is entirely above 35% slopes may be improved to the extent of one dwelling per existing lot of record. Subdivisions of land that are partially above 35% slope shall not generally include development of the portions in excess of 35% slope. Limited development of the portions of the site on greater than 35% slopes may be permitted when these steep slopes encroach into areas which are logical dwelling locations and engineering studies determine that development will be in compliance with accepted engineering design principles. Dwellings planned on greater than 35% up to 60% slopes may be permitted when located within a Planned Development of 10 or more acres in size; and occur on land which is not susceptible to earth movement or landslide hazards; and where construction and design methods are employed to minimize cuts, fills and other potential adverse impacts.
2. Limited development on greater than 35% slopes may occur for a residence on a vacant lot of record, trails/multi-purpose paths, and for the logical extension and provision of public facilities, utilities, and driveways, where construction and design methods are employed to minimize cuts, fills, and other potential impacts. With these exceptions and those related to planned developments (Policy #1), all other sloped areas of greater than 35% on development sites shall be protected by an easement or by dedication of an open space tract.
3. Land divisions on slopes greater than 35% shall only be allowed through the Planned Development (PD) process. The PD standards for hillside development shall encourage the transfer of density to those site areas with less than 15% slopes, allow less development density as the degree of slope increases, and limit the amount of sloped areas greater than 35% that can be included as part of building lots.

4. Removal of trees on slopes over 15% shall be restricted to prevent clear cutting and to limit removing trees with a trunk diameter of 8-inches and greater.
5. City development standards for slopes of 15% or greater shall limit the amount of site area that can be graded, cleared of vegetation, or otherwise disturbed.
6. Development on slopes of 15% or greater will require a soils/geology report prepared by a state certified engineering geologist or geotechnical engineer to evaluate geologic conditions and hazards, slope stability, and to provide recommendations for protecting life and property from landslides and soil erosion.

In addition, development within an area identified on the Hillside Physical Constraint Overlay District map as a potential "Higher Risk Landslide Area" shall require a geotechnical report that describes how the proposed construction methods and design measures will maintain slope stability and minimize erosion.

7. Development on slopes of 15% and greater shall be required to handle surface water runoff in a way that will not destabilize slopes, increase erosion or degrade water quality.
8. The City hillside development standards shall include state ORS 195.250 requirements that pertain to potential rapidly moving landslide ("Further Review Areas") identified by the state Department of Geology and Mining Industries (DOGAMI). These standards will be applied to proposed development within such areas after their mapping by DOGAMI is finalized. In the interim, the City shall require geotechnical reports for developments proposed in the "Higher Landslide Risk Areas" (DOGAMI's "Further Review Areas") that are shown on Gresham's Hillside Physical Constraint Overlay District map.

Conclusion: As exhibited above it is concluded that the proposed amendments to the Physical Constraints/Natural Hazards elements of the Comprehensive Plan implement Land Use Planning Policy 3 by providing for regulations that manage development/urban land uses in areas subject to Natural Hazards.

Policy 5: The City shall adopt regulations and standards to protect life and property from hazardous/harmful conditions related to land use activities. These include, but are not limited to traffic conditions, and adequate public facilities, flooding, landslides and other natural hazards.

Findings: The purpose of these Comprehensive Plan amendments as referenced above is to provide a policy basis on which the City can maintain and update its specific regulations governing development in areas of natural hazard.

Conclusions: Therefore, based on the content of the policies that specifically provide criteria by which regulations and standards can be developed, and by which other legislative changes to the Comprehensive Plan text, map and development code can be made, it is concluded that the proposed amendments to the Comprehensive Plan implement the above Policy 5.

10.101 Citizen Involvement -- Goal; Policies 1, 2, 3, 10, 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.

1. The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.
2. The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions.
3. The City shall foster regular and ongoing two-way communication between citizens and City elected and appointed officials.
10. The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.
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 of Gresham Planning Commission has held numerous public work sessions on the topic of updating the City's goals, policies and action measures pertaining to Natural Hazards. Press releases regarding this matter were distributed to the local newspaper and public notices, per state law, regarding the Commission's Public Hearing were also placed in the local paper.

Conclusion: The process to hold public hearings and to make recommendations regarding adoption of the proposed amendments to the City Council is consistent with Citizen Involvement goals and policies as listed above.

10.210 Physical Constraints, Policy

Policy: It is the City's policy to limit development in areas of physical constraints where design or construction techniques can effectively mitigate Hazards and to prohibit development in areas exhibiting extreme physical constraint characteristics. Physical constraint areas are those that have any of the following characteristics:

- a. Slopes of more than 15%;
- b. Severe soil erosion potential;
- c. Lands within the 100-year floodplain;
- d. Lands with a high seasonal water tables within 0-24" of the surface for three or more weeks of the year;
- e. Bedrock within 30" of the surface;
- f. Lands subject to slumping earth slides or movement; and
- g. Organic solids.

10.211 Geologic Constraints -- Policy

Policy: It is the City's policy to minimize or prevent development in areas where geologic conditions create conditions that are hazardous to life and/or property.

10.212 Soil Constraints -- Policy

Policy: It is these City's policy to minimize development on soil conditions, which may be hazardous, and to minimize the erosion and transport of soils via erosion and runoff due to development.

10.213 Topographic Constraints -- Policy

Policy: It is the City's policy to minimize or prevent development on steep slopes, which are hazardous to life and property

10.214 Hydrologic Constraints -- Policy

Policy: It is the City's policy to minimize losses due to stream flooding and seasonal ponding.

Findings: The proposed goals and policies of the new flooding, earthquake, and steep slopes/landslide Comprehensive Plan elements are incorporated and these findings by reference. This is because the purpose of these new Comprehensive Plan chapters is explicit. They are intended to limit/manage development in areas of physical constraints. For example, the proposed Chapter pertaining to Steep Slopes/Land Slide Hazards as shown above provides very specific criteria for development in these physical constraint areas. Furthermore, the proposed earthquake and flooding chapters reference the need to take the hazard potential of these areas into consideration when proposing development and to mitigate any known hazard. In reference to potential soil constraints, the proposed policies explicitly reference the need to minimize erosion due to development.

The proposed amended Comprehensive Plan chapter pertaining to flooding also addresses the issue of stream flooding and seasonal ponding. For example, among the referenced policies made part of these findings, there are statements that the City shall protect the floodwater conveyance and storage capacity of its floodplains; require new development to utilize surface water management practices to reduce the potential for flooding; preserve the flood water storage and convenience capacity of flood plains, etc.

Conclusion: For the above stated reasons it is concluded that the proposed natural hazards amendments to the Comprehensive Plan is consistent with the Physical, Geologic, Soil, Topographic and Hydrologic Constraints policies.

10.232 Water Resources Quality – Goal; Policies 4, 5

Goal: Prevent surface and groundwater pollution and improve water quality.

Policy 4: The City shall protect the water quality, conveyance, storage functions and associated environmental values of stream, wetlands, 100-year flood plains and other natural drainage ways and water bodies.

Policy 5: The City shall protect and where practicable, restore water quality and the physical and biological integrity of the areas system of wetlands, rivers and streams and associated environmental values, including natural vegetation and fish and wildlife habitat.

Findings: It is found that the proposed policies pertaining to Flooding are consistent with the above criteria as follows:

For example, policies 5 and 6 of Proposed Goal 7, Flooding, state:

5. The City shall preserve the floodwater storage and conveyance capacity of floodplains in new urban areas, including Springwater and Pleasant Valley, by minimizing development within floodplains.
6. The City shall protect its wetlands, watercourses and their riparian edges in order to safely contain and gradually convey floodwater and allow it to infiltrate into the ground as much as possible.

It is found that managing development in floodplains is consistent with the above policies. There will be a positive contribution toward protecting/preserving the water conveyance storage functions and environmental values of water resource areas and the environmental values associated thereof.

Conclusion: It is concluded that the proposed Natural Hazards amendments to the Comprehensive Plan text are consistent with the goal and policies 4 and 5 of the Plan's Water Quality section

10.333 Storm Water Management System -- Goal

Goal: Improve flood protection and water quality through the construction and maintenance of the public storm water system, and preservation of natural resources, including area waterways in compliance with applicable federal and state environmental guidelines.

Findings: It is found that the following policies 2 through 5 of the Proposed Goal 7, Flooding Chapter specifically address this issue:

2. The City shall require new development to utilize surface water management practices, which reduce the potential for flooding.
3. The City shall preserve the floodwater storage and conveyance capacity of floodplains in new urban areas, including Springwater and Pleasant Valley, by minimizing development within floodplains.
4. The City shall protect its wetlands, watercourses and their riparian edges in order to safely contain and gradually convey floodwater and allow it to infiltrate into the ground as much as possible.
5. The City shall use federal, state and local sources to estimate the floodplain's location if an area suspected to be subject to flooding has not been mapped by FEMA. The City shall require the applicant to provide the necessary information needed to substantiate flood boundaries and elevations.

Implementation of these policies through the City's Land Use Program will improve flood protection and water quality, as well as preserve natural resources, including area waterways.

Conclusion: It is concluded for the above reasons that the proposed amendments to the City's Goal 7, Flooding Chapter are consistent with the goal for Storm Water Management.

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

It is determined that these proposed amendments to the City's Comprehensive Plan are not applicable to the Metro Functional Plan. In particular, it proposes not to change actual land designation and, thereby, affect the City's currently acknowledged housing or employment capacity.

Furthermore, the proposal does not propose other changes that would affect the implementation of Titles 2, 3, 4, 5, 6 or 7.

Statewide Planning Goals

Findings: The proposal is applicable to Statewide Planning Goal 7 pertaining to Areas Subject to Natural Hazard and Disasters. The purpose of the goal is to protect people and property from natural disasters and hazards, and it requires that:

1. Local governments adopt Comprehensive Plans (inventories policies and implementing measures). To reduce risk to people and property from natural hazards.

The goal goes on to state that natural hazards, for purposes of this goal, are floods (coastal and riverine), land slides, earthquakes and related hazards, tsunamis, coastal erosion, and wild fires.

Therefore, it is found that the proposed goals policies and action measures pertaining to Natural Hazards address specifically flooding, earthquakes, and steep slopes, and that wildfires are not a significant hazard at this time but shall be addressed in the Comprehensive Plan's public safety element (Fire Protection). It is important to note that the City completed Period Review in 2004, and Wildfires were not a part of the City's Periodic Review Order.

There are specific policies and related maps and regulations on file that provide for the management of these natural hazards, and that these new goals policies and action measures are intended to provide the City direction and authority to manage these hazards consistent with state and federal law.

Conclusion:

For the above stated reasons it is concluded that the proposed amendments to the Comprehensive Plan text are consistent with Statewide Planning Goal 7.

SECTION VI OVERALL CONCLUSION

The proposed Plan Text amendments attached as Exhibit A are consistent with applicable criteria, including the policies of the Community Development Plan and the Statewide Planning Goals, as contained or referenced within this report.

SECTION VII RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Plan text amendments as contained in Exhibit A.

End of staff report



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 05-2000 PROJECT: City of Gresham - Goals 7 & 10
I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF FINAL DECISION TO THE FOLLOWING PARTIES:

DLCD

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

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

**Carol Rulla
5162 SE 28th Drive
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Gresham, OR 97080**

SIGNATURE: *Tammy J. Richardson*
DATE OF MAILING: February 24, 2006