



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

March 21, 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 008-05

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 28, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

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**DLCD NOTICE OF ADOPTION**

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

MAR 14 2006

LAND CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Gresham Local File No.: PMA 05-6175

(If no number, use none)

Date of Adoption: 3-7-06 Date Mailed: 3-13-06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12-8-05

- 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."

Plan Map amendment from CMU to CC

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."

None

Plan Map Changed from: CMU to CC

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: NE Division, 355 feet east of NE Acres Involved: .55

Specify Density: Previous: 12 units/ac New: 12 units/ac  
Hogan Dr.

Applicable Statewide Planning Goals: 9 & 10

Was an Exception Adopted? Yes: \_\_\_\_\_ No: XX

DLCD File No.: 008-05 (14860)



ORDINANCE NO. 1623

AN ORDINANCE AMENDING THE GRESHAM COMMUNITY DEVELOPMENT PLAN MAP FROM CORRIDOR MIXED USE (CMU) TO COMMUNITY COMMERCIAL (CC) (CHANEY-PETERSON PMA 05-6175)

THE CITY OF GRESHAM ORDAINS AS FOLLOWS:

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

City of Gresham, Multnomah County, Oregon, 11BB1S3E Tax Lot #5101 is changed from Corridor Mixed Use (CMU) to Community Commercial (CC).

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

First reading: February 21, 2006

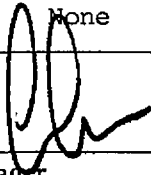
Second reading and passed: March 7, 2006

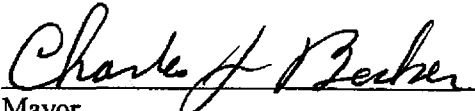
Yes: Becker, Echols, McIntire, Bemis, Craddick, Widmark, Warr-King

No: None

Absent: None

Abstain: None

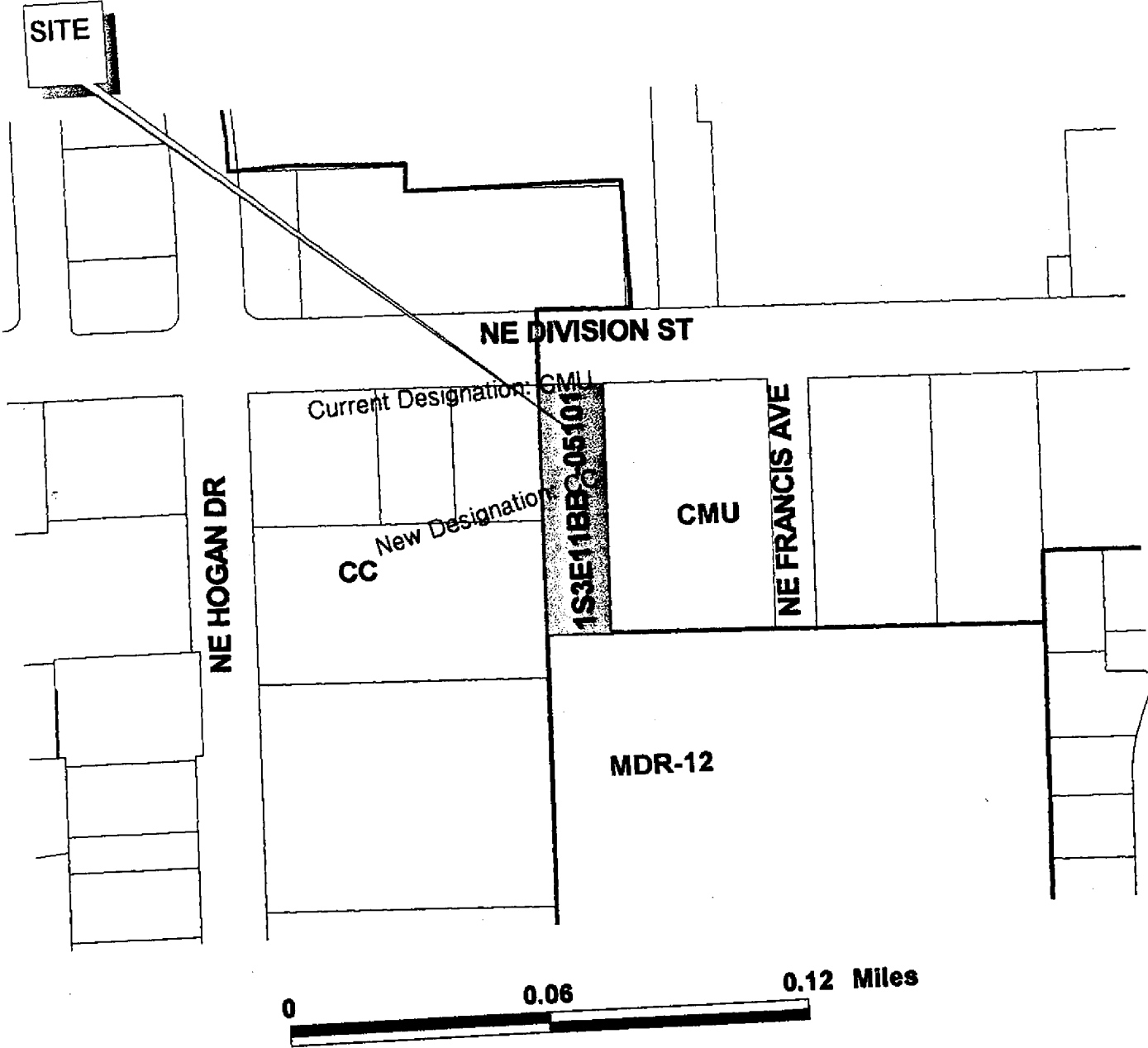
  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Mayor

Approved as to Form:

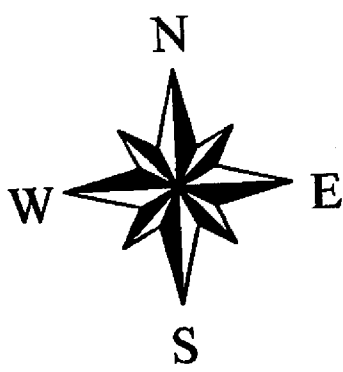
  
\_\_\_\_\_  
Senior Assistant City Attorney

**Exhibit A**



File #: PMA 05-26006175

Project: R & P Properties





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

**TYPE III RECOMMENDATION ORDER**

**PMA 05-6175**

A public hearing was held on January 23, 2006, to consider a proposed Plan Map amendment from **Corridor Mixed Use (CMU) to Community Commercial (CC)** on a .55-acre site. The site is located at 950 NE Hogan Drive, and is also described as State ID# 1S-3E-11BB #5101, Willamette Meridian, Gresham, Oregon.

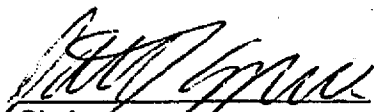
The Planning Commission closed the public hearing at the January 23, 2006 meeting, and a final recommendation was made at the January 23, 2006 meeting.

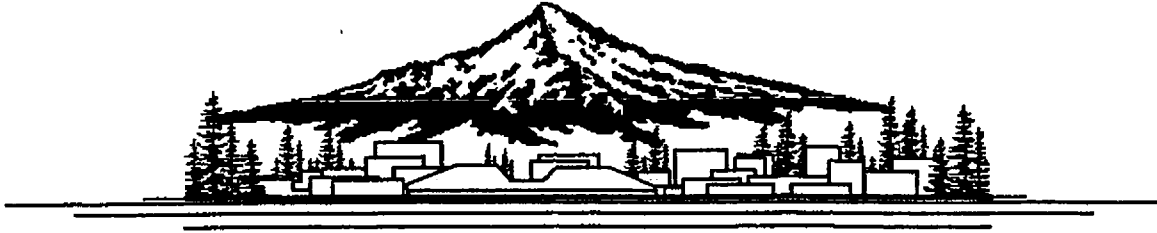
Pat Speer, Vice-Chairperson, presided at the hearing.

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

The Planning Commission recommends **Approval** of the proposed Plan Map amendment to the City Council and adopts the findings, standards, conclusions and recommendations contained in the January 12, 2006 staff report with the following exceptions/amendments:

**NONE**

  
Chairperson  
1-23-06  
Date



Community and Economic Development Department  
City of Gresham

**STAFF REPORT**  
*Proposed Gresham Toyota Plan Map Amendment*

**HEARING DATE:** January 23, 2006

**REPORT DATE:** January 12, 2006

**TO:** Gresham Planning Commission

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

**FILE NUMBER:** PMA 05-6175

**PROPOSAL:** The proposal is for a Plan Map amendment from Corridor Mixed Use (CMU) to Community Commercial (CC) on Tax Lot 5101 Section 11BB 1S 3E comprising a total of .55 acres east of the Gresham Toyota dealership site at 950 NE Hogan Drive.

**APPLICANT:** Raymond Chaney and Reuben Peterson

**REPRESENTATIVE:** Suzanne Baker, PO Box 166 Goldendale, WA 98620

**LEGAL DESCRIPTION:** Section 11BB 1S 3E Tax Lot 5101

**EXHIBITS:**

- A. Vicinity Map
- B. Applicant's Narrative
- C. DLCD Comments
- D. Table 4.0420 Corridor District Uses

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



## **I. BACKGROUND INFORMATION**

### **A. Description of Proposal and History**

The proposal would change the .55 acre (23,919 square feet) property from the current land use designation of Corridor Mixed Use (CMU) to Community Commercial (CC). The CMU designation generally allows for moderate density multifamily residential uses, small scale commercial uses, and mixed use developments. The CC designation allows for a wide range of community-scale commercial uses, including retail, services, and offices. It also permits housing as a secondary use, with attached dwellings being developed in conjunction with commercial construction.

The property is located south of NE Division Street between NE Hogan Dr. and NE Francis Ave. directly east of the Toyota dealership lot. East of the site is an existing church that once owned this piece of property.

The applicant has pointed out that the proposed change in designation is being pursued in order to allow for the use of the site by the auto dealership for storage, display, and parking of vehicles. Since this property is currently designated CMU, auto sales use would not be a permitted use. However, auto sales use and all permitted uses allowed in the CC designation would be permitted if this Plan Map Amendment were to be approved.

### **B. Executive Summary**

The proposed CC designation meets all three of the City's criteria for Plan Map amendments. This proposed change would not create a significant impact to the amount of Corridor District lands in the City, as both the existing and proposed districts are Corridor Districts. The Community Design and Economic Development Policies would be promoted because the proposed change in designation is supportive of an existing urban use while putting to use an underutilized piece of property in the CMU district.

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

## **II. APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

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

### **III. APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- |                          |                                |
|--------------------------|--------------------------------|
| <b>A. Section 10.311</b> | Residential Land Use           |
| <b>B. Section 10.312</b> | Commercial Land Use            |
| <b>C. Section 10.320</b> | Transportation System          |
| <b>D. Section 10.321</b> | Trafficways                    |
| <b>E. Section 10.330</b> | Public Facilities and Services |
| <b>F. Section 10.413</b> | Community Design               |
| <b>G. Section 10.414</b> | Economic Development           |

### **IV. FINDINGS OF FACT**

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

#### **A. Community Development Code Procedures**

1. **Section 11.0101 - Development Permit Application.** Staff has reviewed this application, and finds that it includes the information needed to fully address the Plan Map Amendment criteria.
2. **Section 11.0204 - Type III Procedures.** This proposal will be considered by both the Planning Commission and the City Council at public hearings in accordance with provisions of this section.
3. **Section 11.0213-0214 - Referral and Review of Development Permit Application.** This application has been routed to affected city, county and state agencies for review and comment.
4. **Section 12.0000 - Community Development Plan Map Amendments.** This proposal will be evaluated according to the Type III procedures and approval criteria contained in this section. Certain criteria outlined in this section of the Code must be addressed in order for an evaluation of the appropriateness of the request to be conducted. An applicant must demonstrate that:
  - (a) The proposed designation is consistent with the applicable policies and implementation strategies of the City's Community Development Plan. The applicant must demonstrate that the proposed designation complies with the appropriate locational criteria identified in the Community Development Plan.
  - (b) The proposed designation will not negatively impact existing or planned public facilities and services.
  - (c) In addition, the proponent shall demonstrate compliance with one of the following criteria:

- (i) A mistake was made in the current designation. The applicant must identify a specific error made during the adoption process of the Community Development Plan that, if it had been brought to the attention of the council, would have influenced the council's decision of the appropriate designation

or,

- (ii) The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed land use designation and its potential use vary. The factors in determining suitability are parcel size and location.

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

## **B. Community Development Plan Policies**

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

### **Section 10.311 Residential Land Use Policies:**

**Policy 1** It is the City's Policy to provide affordable housing opportunities to all residents (current and potential) and to allow for flexibility in the type, location, and density of housing.

**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.

**Policy 3** It is the City's policy to permit alternative housing types such as zero lot line housing, houseboats, and manufactured homes and to adopt special criteria under which these forms of housing would be permitted.

**Findings** There is no significant difference between the development of a CUC and a CC property with residential uses. Under both districts, attached dwellings and mixed use developments are possible. The CC district however has a higher density than the CMU thus creating a better opportunity for the provision of additional residential units.

This represents a direct advancement of Policy 1 above that calls for the provision of affordable housing and flexibility in housing types.

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

**Section 10.312- Commercial Land Use Policies:**

**Policy 1** It is the policy of the City to provide an adequate amount of serviceable commercial land to facilitate the development of commercial centers or infill commercial strip development and prevent the need for lateral expansion of commercial strips along major streets.

**Policy 2** It is the City's policy to encourage commercial development, which increases employment opportunities; reduces dependency on outside-of-city goods and services, promotes energy-efficient travel patterns; is compatible with neighboring land uses; and promotes good community design.

**Policy 3** It is the City's policy to ensure that the supply of commercially designated land meets the market demand.

**Findings** The applicant has noted that the use of the site is for the continuation and expansion of an already established commercial operation. At the present time, the applicant has indicated that there is need for modernization, improvement, and enlargement of the present facility to make the dealership site a viable operation.

Since this area has already been established as a commercial area, this change in designation would permit this area to become yet more solidly commercial, preventing potential strip commercial expansion into other areas, and promoting the stability of the Toyota dealership location. This change does not cause a lateral expansion of strip commercial development.

Based upon these findings, this proposal is found to be in conformance with the Commercial Land Use Policies found in the City of Gresham Community Development Plan.

**Section 10.320 - Transportation System**

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

**Findings** The change in land use designation will not create a significant change in the transportation system of the immediate area or of the City. Both Development Engineering and the City's Transportation Planner have noted that they have no concern regarding this change in designation.

NE Division St. is a principal arterial with adequate capacity available to accommodate any potential increase in trips generated by this proposal. As a matter of fact, and according to the analysis done by Lancaster Engineering on behalf of the applicant, there is no net increase in the traffic generated by retail service use under either district. Both the Development Engineering and the Transportation Planning staff concur with this conclusion reached by Lancaster Engineering.

DLCD would like to see a further demonstration that changing the plan designation from CMU to CC meets the State's Transportation Goal 12 and the Transportation Planning Rule (OAR 660, division 2) by supporting transit use on SE Division Street. Also, future transit-oriented redevelopment of the site would still be possible under the CC designation.

Staff finds that these are viable considering the fact that both the CMU and CC districts are corridor districts that allow similar transit-supportive uses for the most part. There is striking similarity in the allowed uses in both districts as evidenced in the attached Table 4.0420. Any future development of the site will be subject to the Transit oriented development standards. There is no evidence that the change in designation will negate the application of this standard. Also, note that this change will result in minimal structural improvement and therefore has a great redevelopment potential.

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

#### **Section 10.321 - Trafficways**

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

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

**Findings** The Trafficways policies will not be adversely impacted by the proposed change in land use designation. As noted earlier in this report, NE Division St. is a principal arterial street with adequate capacity. Both Development Engineering and the City Transportation Planner indicated that they had no concerns with the proposal.

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

### **Section 10.330 Public Facilities and Services**

It is the City's policy that development will coincide with the provision of adequate public facilities and services including access, drainage, water and sewerage services.

### **Section 10.331 Water Service**

It is the policy of the City to provide municipal water service to all users within the corporate limits of Gresham.

### **Section 10.332 Sanitary Sewer Service**

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

### **Section 10.333 Drainage Management**

It is the City's policy to establish a drainage management system, which controls the amount and rate of surface water runoff; protects property from runoff related damage; and controls pollution of receiving streams.

### **Section 10.335 Fire and Police Protection**

It is the policy of the City of Gresham to provide adequate and cost-effective fire and police protection, which ensures a safe living environment and is responsive to the needs of the citizens of Gresham.

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

The Public Safety Official has expressed no concerns regarding this proposal.

Based upon these findings, this proposal has been found to be in compliance with the Public Facilities policies of the City of Gresham Comprehensive Plan.

### **Section 10.413 - Community Design**

It is the City's policy to establish a community design process which:

1. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose of being a complimentary land use pattern and long term stability.
2. Evaluates individual developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking provisions for the handicapped, and crime prevention techniques.

**Findings** The Community Design policy focuses on practical issues of traffic circulation, compatibility among land uses, and how these considerations help to create long term stability.

The proposal will legitimize an existing commercial use and may be considered an extension of the existing commercial designation to the east; it does not promote strip commercial development due to the history of the use of the site. The proposal is not in conflict with surrounding uses, especially the residential uses to the south of the site. Furthermore, the character of the area is likely not to be affected by any CC district use that may be developed on the site due to the relatively small size of the site and frontage.

By granting the change in land use designation for the site, all development on the site would be required to comply with applicable site design criteria and all attendant setbacks, buffers, and the like. The alternative is to not allow any modernization of the current use, which will invariably have a less desirable impact on the surrounding uses.

Based upon these findings, the proposal has been found to be in compliance with the Community Design policies of the Comprehensive Plan.

#### **Section 10.414 - Economic Development**

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

**Findings** The change in land use designation will allow both the existing and future commercial uses to be developed on the site. If the current development were eventually enlarged, it would allow the dealership to expand according to the Toyota Motor Company's new nation-wide dealership design program alluded to in the narrative and prevent the potential consideration of a move from this location and the City for that matter. It is anticipated that the effect on the overall economic development of Gresham will be positive.

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

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

#### **C. Impacts on Existing or Planned Public Facilities and Services**

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

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

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

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

#### **D. Suitability of the Site**

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

"The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed land use designation and its potential use vary. The factors in determining suitability are parcel size and location."

**Findings** The vicinity of the site is defined as an area bounded by Cleveland Ave. to the west, Stark Street to the north, Kane Rd. to the east, and Burnside to the south.

As pointed out by the applicant on page 6 of the narrative, there are no suitable CC sites located in this vicinity where this business could relocate, or where the staging of new cars destined for the sales lot could conveniently occur. Moreover, this is an already established business on the site dating back to the 1970's. Relocating to another CC site within the vicinity defined above is not a viable option.

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

### **V. STAFF COMMENTS**

#### **TRANSPORTATION PLANNING COMMENTS (Jim Wheeler, 503-618-2881)**

Development Transportation Planning has reviewed the proposed project and has no issues with the proposed Plan Map Amendment. The applicant's transportation engineer has stated that, practically speaking, the most intense use of the property under either zone would be a 2,000 – 4,000 square foot fast food restaurant. Since such a use would be permitted in either zone, there will be no additional traffic impacts resulting from the Plan Map Amendment. There is a difference in the potential trip impact from the theoretical most intense potential development under the CC District versus the CMU District. Given the size of the property (approximately ½-acre) and the location of the property (over 800



feet east of the nearing Downtown District, and over ½-mile from the Central Urban Core), Development Transportation Planning agrees with the applicant's transportation engineer that the theoretical maximum potential of the property will not be realized. Therefore, Development Transportation Planning accepts the applicant's finding that there will be no additional traffic impacts resulting from the change in the district designation from CMU to CC.

**DEVELOPMENT ENGINEERING COMMENTS (Clay Walker, 503-618-2540.)**

Development Engineering has reviewed this file and has no public facilities comments for the plan map amendment.

**FIRE COMMENTS (Mike Kelly, 503-618-2573.)**

No comments.

**VI. CONCLUSION**

The proposed Plan Map amendment is consistent with applicable criteria and policies of the Community Development Plan, as indicated by findings contained in Section IV of this report.

**VII. RECOMMENDATION**

Staff recommends that the Planning Commission recommend adoption of the proposed Plan Map Amendment to CC to the City Council.

*End of Staff Report*



*Community Development Department  
City of Gresham*

## CERTIFICATION OF MAILING

FILE NO.: PMA 05-6175

PROJECT: Chaney/Peterson PMA

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**

**Raymond Chaney &  
Reuben Peterson  
950 NE Hogan Drive  
Gresham, OR 97030**

**Suzanne Barker  
P.O. Box 166  
Goldendale, WA 98620**

SIGNATURE: *Tammy J. Richardson*

DATE OF MAILING: March 13, 2006