



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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## NOTICE OF ADOPTED AMENDMENT

February 28, 2007

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 006-06



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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 19, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Humphrey, DLCD Regional Representative  
Ann M. Pytnia, City of Gresham

<paa> ya/

**FORM 2**

DEPT OF

**DLCD NOTICE OF ADOPTION**

27 2007

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18  
(See reverse side for submittal requirements)

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Gresham

Local File No.: CPA 06-313

Date of Adoption: 2/29/07

(Must be filled in)

Date Mailed: 2/26/07

(If no number, Use none)

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 10/26/06

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use regulation Amendment

Zoning Map Amendment

New Land Use regulation

Other: \_\_\_\_\_

(Please Specify Type of Action)

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

Minor housekeeping amendments "Omnibus 4" of the Gresham Community Development Code (Volume 3 of the Gresham Community Development Plan) that would: 1) allow a free-standing sign on each street frontage for industrial uses on parcels over 10 acres in size in the BP, LI and HI Districts; 2) change the standard from a required 20 foot separation between major buildings on the same lot in the MDR-24, MDR-12 and OFR districts to 10 feet for townhouse style developments on a single lot; and 3) change the minimum height requirement for small additions to existing non-conforming buildings in the Downtown Plan, Civic Neighborhood and Corridor Districts to exempt them from the minimum height standards.

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."

Added "one-time" expansion of height requirement for small additions to existing non-conforming buildings in the Downtown Plan, Civic Neighborhood and Corridor Districts so as to not be continuous.

Plan Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

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

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 9 & 10

Was an Exception Adopted? Yes:

No:

DLCD # 006-06 (15657)



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

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

If no, did the emergency circumstances require immediate adoption Yes:        No:       

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

Local Contact: Ann M. Pytynia

Area Code + Phone Number: 503) 618-2859

Address: 1333 NW Eastman Parkway

City: Gresham, OR

Zip Code + 4: 97030-3825

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## **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** of 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 3, ) Order No. 595  
DEVELOPMENT CODE, OF THE GRESHAM )  
COMMUNITY DEVELOPMENT PLAN REGARDING ) CPA 06-313  
SEPARATION BETWEEN ROWHOUSE BUILDINGS )  
ON THE SAME LOT IN MDR-12, MDR-24 AND THE )  
OFR DISTRICTS; HEIGHT REQUIREMENTS FOR )  
NON-CONFORMING BUILDINGS IN THE )  
DOWNTOWN PLAN, CIVIC NEIGHBORHOOD AND )  
CORRIDOR DISTRICTS; AND THE NUMBER OF )  
FREE-STANDING SIGNS FOR LARGE INDUSTRIAL )  
PARCELS )

On February 6, 2007, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan. The amendments regarding 1) building separation between major buildings on the same lot (for rowhouse developments) in the MDR-12, MDR-24 and OFR districts; 2) height requirements for existing non-conforming buildings in the Downtown Plan, Civic Neighborhood and Corridor Districts; and 3) the number of free-standing signs for large industrial parcels.

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

The Council closed the public hearing and approved the proposed amendments at the February 6, 2007 meeting, and a decision was made at the February 20, 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.

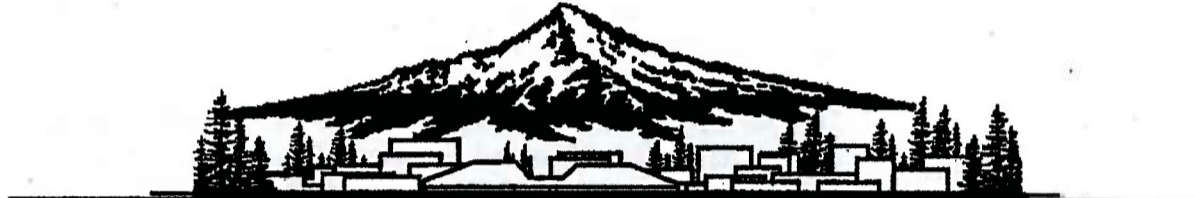
The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached staff report.

Dated: February 20, 2007

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

  
\_\_\_\_\_  
Mayor





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# MEMORANDUM

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

**STAFF REPORT  
TYPE IV HEARING**

**COMMUNITY DEVELOPMENT CODE TEXT AMENDMENTS  
PERTAINING TO CHANGES TO REQUIRED BUILDING SEPARATION FOR  
ROWHOUSE DEVELOPMENTS ON SINGLE LOTS IN MODERATE DENSITY  
RESIDENTIAL DISTRICTS; THE REGULATION OF SMALL ADDITIONS TO  
EXISTING NON-CONFORMING DEVELOPMENTS IN THE DOWNTOWN, CIVIC  
NEIGHBORHOOD AND CORRIDOR DISTRICTS AND THE REGULATION OF FREE  
STANDING SIGNS ON PARCELS OF AT LEAST TEN ACRES IN SIZE IN  
INDUSTRIAL DISTRICTS**

**TO:** Gresham Planning Commission

**FROM:** Ann M. Pytynia, AICP, Development Planning Supervisor

**HEARING DATE:** December 11, 2006

**REPORT DATE:** November 30, 2006

**FILE:** CPA 06-313

**PROPOSAL:** Proposed Amendments to the Gresham Community Development Code as follows:

**1) Building Separation for Rowhouse developments on single lots. Section (Table) 4.0130(E) footnote [4] -Change the minimum building separation requirement for rowhouse developments on single lots from 20' to 10'.**

**2) Additions to non-conforming buildings. Sections 4.0434(A), 4.113(B) (1), 4.1232(B) (1) and 8.0221(B) –Amend these sections to allow for small additions to non-conforming developments in the Civic Neighborhood, Downtown and Corridor Districts.**

**3) Signs for larger industrial sites. Appendix A6.100 Signs in Commercial, Mixed Use and Industrial Districts - . Amend the code to allow one sign per frontage for industrial sites of ten acres or larger.**

**EXHIBITS:**

**A. Proposed Community Development Code Text Amendments**

**RECOMMENDATION:**

**Staff recommends the Planning Commission recommend to the City Council adoption of the proposed Community Development Code text amendments.**



## EXECUTIVE SUMMARY

This proposal is putting forward several text amendments to the Community Development Code. The reasons are that new Code language is needed to address frequently recurring issues associated with the administration of the City's land use program or are inconsistent with current and projected community conditions.

These proposed amendments present logical and fair changes to the CDC that will modify existing building separation requirements for rowhouse developments on single lots, which, by their very nature, develop at the lower spectrum of allowed land use district densities, will assist existing businesses by allowing for small one story additions to non-conforming developments where two story construction is mandated, and help industrial companies attempting to locate or expand in Gresham by allowing for more signage for larger industrial uses.

### 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

- A. Section 10.100 Citizen Involvement
- B. Section 10.014 Land Use Planning
- C. Section 10.311 Residential Land Use
- D. Section 10.312 Commercial Land Use
- E. Section 10.413 Community Design
- F. Section 10.313 Industrial Land Use
- G. Section 10.314 Downtown Area Development
- H. Section 10.318 Gresham Civic Neighborhood
- I. Section 10.391.1 Transit Corridor Plan Area

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

The proposed amendments to the Gresham Community Development Code are consistent with all applicable criteria as indicated by the following findings and conclusions.

#### Community Development Code Procedures

*Section 11.0400 – Legislative Actions:* The proposed amendments to the Community Development Code comprise 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.

**Community Development Plan Policies**

The following are Community Development Plan policies that relate directly to these proposed changes. Findings and conclusions are provided to illustrate how the proposal conforms to the Community Development Plan.

**A. Section 10.100 - Citizen Involvement; Goal and Policies 1, 10**

**Goal:** The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

**Policy 1:** The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans, and implementing regulations.

**Policy 10:** The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

**Findings:** These minor text amendments were initiated by City Council on September 5, 2006 (sign amendment) and November 14, 2006 (additions to non-conforming buildings and separation between buildings). The initiation of the sign amendment was requested by Cascade Corporation, one of Gresham's oldest and largest industrial employers. Additionally, as previously stated, the Gresham Community Development Code, Section 11.0205, Type IV Procedures, requires legislative actions to be subject to public hearings before both the Planning Commission and City Council. Both bodies will consider the proposal only after public hearings where citizens have an opportunity to testify.

**Conclusions:** For the reasons stated above, the process to bring the proposed amendments to public hearings and final decision complies with and implements the applicable goal to provide opportunities for citizens to participate in all phases of the planning process.

**B. Section 10.014. Land Use Planning; Land Use Policies and Regulations, Community Design; Goal and Policies 1, 4 and 23.**

**Goal:** Maintain an up-to-date Comprehensive Plan and implementing regulations as the legislative foundation of Gresham's land use program.

**Policy 1:** The City's land use program will be consistent with state and regional requirements but also shall serve the best interests of the Gresham.



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

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

**Findings:** The proposed amendments to the City's Development Code are being undertaken to encourage quality development while using site areas efficiently (reducing building separation between rowhouses on single lots, encourage small business to expand, and allowing existing and new industrial users more signage. Regulations and standards become outdated, cumbersome and unnecessary as conditions change over time. Staff is responding to "real life" cases and customer inquiries where development was precluded or hindered by the regulations in question.

The proposed amendments to the Community Development Code have been sent to the Department of Land Conservation and Development pursuant to the Department's Post Acknowledgment Plan Amendment requirements. This required 45-day notice allows the Department to review the proposal for conformance with all applicable Statewide planning goals and to coordinate the same with other potentially affected agencies and jurisdictions. No substantive comment has been received from the department or other interested parties.

**Conclusions:** Per the findings and reasons above, the proposed amendments serve to maintain and reinforce the City's implementing regulations (Development Code) as the legislative foundation of Gresham's land use program.

**C. Section 10.311 (Section 6.100) – Housing. Goal and Policies 2 and 5.**

**Goal:** Ensure adequate quality housing for existing and future Gresham residents.

**Policy 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.

**Policy 5:** The City shall require multi-family and other attached housing developments to conform to community design and development standards.

**Findings:** The proposed changes to the building separation standards are designed to better reflect the needs of rowhouse developments. Rowhouses on individual lots in the MDR-12, MDR-24 and OFR districts are allowed a 5' side yard setback (total of 10' separation between buildings). Rowhouse style condominiums or apartments have the same general appearance on the ground, but the requirements are different. This proposed amendment will provide for greater flexibility in rowhouse design, yet maintain the 20' building separation between apartments or condominiums designed with stacked units. Neither the Building Division nor the Fire Department raised any concerns about this proposed change.

**Conclusion:** For the reasons stated above, the proposed amendment complies with and implements this particular section of the Plan.

**D. Section 10.312 Commercial Land Use; Policy II and Implementation Strategy 2**

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

**Implementation Strategy 2:** The City shall encourage intensified commercial development in the City's downtown and Rockwood commercial district.

**Findings:** One of the proposed changes allows for minor expansions of existing businesses in the GCN, Downtown and Corridor Districts. Due to design standards in these districts, smaller businesses have not been able to expand due to the two story requirement. This amendment would allow these businesses to expand in place and therefore intensify the development of those sites. City Economic Development supports this change as a way of allowing existing city businesses to expand and retain that business within Gresham.

**Conclusions:** The proposed amendments would encourage existing businesses to stay and intensify development sites in the GCN, Downtown and within the Corridor Districts.

**E. Section 10.313 Industrial Uses, Policy I; Goal 9, Policy 13**

**Policy I:** It is the policy of the City to promote expansion of existing industrial uses and attract industrial development which is labor and capital intensive as well as environmentally desirable.

**Goal 9:** Achieve and maintain an environment of sustainable economic prosperity and opportunity.

**Policy 13:** The City shall ensure that its economic development, land use planning and regulatory efforts support retention and growth of existing businesses and also address the needs of small businesses that wish to locate in Gresham.

**Findings:** The ability to advertise with signage can be a deciding factor in expansions or locations of industrial users. Also, the code could be viewed as inconsistent in that multi-business centers do allow for one sign per frontage, but single industrial tenants located on a site of the same size would not be allowed such signage. Staff is of the opinion that one sign per frontage is reasonable, especially since it would only apply to sites of ten acres or more. The City's Economic Development Department did a survey of other cities in Oregon and found that most jurisdictions allowed for additional signage on double frontage lots.

**Conclusions:** Industrial policies are promoted by this proposed code amendment.



**F. Section 10.314 Downtown Area Development. Downtown Area Urban Design Policy, Implementation Strategy 3.**

**Policy:** It is the City's policy to pursue measures to enhance the urban design of the downtown area.

**Implementation Strategy 3:** Through land use designations and development standards, the city will seek to achieve increased intensities of development throughout the downtown area, in ways which preserve desirable existing characteristics and focus the most intensive uses in close proximity to light rail stations.

**Findings:** Currently, even small additions to existing non-conforming (one story) developments have not been possible in the downtown because of the two story minimum and City requirements for non-conforming developments. These standards prevent businesses from increasing in intensity because, oftentimes, a two story addition is neither practical nor fiscally feasible. Staff has encountered this situation many times over the past several years. Staff is of the opinion that allowing for smaller additions to these developments will result in business retention and expansions. Larger additions would be required to meet minimum height requirements of the districts.

**Conclusion:** The noted policy and strategy is met. Small additions can serve as a transition for businesses as they get established or attempt to expand. These additions would serve to preserve the character of the downtown and support local businesses located there.

**G. Section 10.318 Gresham Civic Neighborhood. Policy and Land Use Implementation Strategy 1.**

**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.

**Land Use Implementation Strategy 1:** Provide for a compatible mix of land uses which support and complement nearby uses.

**Findings:** The same findings as noted in the Downtown Plan section would apply, although admittedly at a lesser scale. Development within the Civic Neighborhood is generally newer and already in compliance with the code so there are fewer non-conforming situations.

**Conclusions:** The proposed amendments would be supportive of development within the Civic Neighborhood.

**H. Section 10.319.1 Transit Corridor Plan Area. Policy 1**

**Policy 1:** The City will permit and encourage land use types and intensities of use which support creation of transit supportive development along the city's transit streets,

accommodate forecast growth and are otherwise consistent with the urban growth management functional plan and the 2040 Growth Concept Map.

**Findings:** Staff has had the most challenges in reviewing proposed additions in the Transit Corridor districts. These districts tend to house older, more established businesses. Several have been precluded from additions to accommodate more business/employees due to code restrictions. The proposed amendment would allow the businesses to expand incrementally. This is of more benefit to the community than prohibiting additions altogether.

**Conclusions:** The amendment is supportive of new and expanding businesses. Smaller additions and incremental development could lead to a boost to the economy and an eventual site reconstruction into a site that is totally code compliant.

**I. Section 10.413 Community Design. Policy 1, and Community Design – Signs Policy 3 and Implementation Strategy 5.**

**Policy 1:** 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 being a complementary land use pattern and long term stability.

**Community Design – Signs Policy 3:** It is the city's policy to protect the public interest by promoting signs which (3) Maintain a balance between the need to identify sites and activities and the negative impact on community image created by visual clutter.

**Community Design – Signs Implementation Strategy 5.** Free standing signs will be constructed with limitations placed on number, size and height, so that their cumulative effect projects an orderly, positive community image.

**Findings:** The first policy is promoted by all three amendments. The reduction in building separation for rowhouses on a single lot is a more efficient use of land and mirrors the separation requirements for rowhouses on individual lots. The amendment outlining allowed additions to existing non-conforming developments maintains long term stability of businesses with the long term benefit of that business growing into a more intense development. The proposed changes to signage in the industrial districts are appropriate for the scale of the developments in question, and also serve to promote long term tenure of industrial uses on city sites.

**Conclusions:** These amendments encourage logical, visually appropriate and well planned development in conformance with the City's Community Design aspirations.

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

Findings and conclusions for all amendments to the Gresham Community Development Plan must demonstrate continued compliance with regional and state requirements.



The Gresham Community Development Plan/Code is consistent/complies with the Metro Functional Plan and Statewide Planning Goals and Administrative Rules. In terms of whether the proposed amendments are also consistent, the following identifies where the Functional Plan and state requirements are applicable.

***Metro Functional Plan***

It is determined that these proposed amendments to the Gresham Community Development Code do not affect or are otherwise applicable to the Metro Functional Plan.

***Statewide Planning Goals***

**Findings:** The proposal is directly applicable to Statewide Planning Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 9, Economic Development.

**Statewide Planning Goal 1, Citizen Involvement** requires that jurisdictions develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. For the reasons previously stated, the City concludes that the proposed amendments to the Community Development Code are consistent with the Statewide Planning Goals. This is because the process used to hear and recommend adoption of the proposed changes is consistent with the City's own acknowledged Citizen Involvement Program. Also, the proposed amendments arose from citizens/developers expressing concerns about current regulations and the challenges presented by them.

**Statewide Planning Goal 2, Land Use Planning** requires jurisdictions "To establish a land use planning process and framework for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions." The City finds that the proposed Development Code changes represent an improvement to the existing code. The proposed changes result from questions from developers and citizens who have found that the existing code inhibits the development of property to its full potential.

**Statewide Planning Goal 9, Economic Development** requires jurisdictions "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens". The proposed amendments support this goal since allowing small expansions of existing businesses will allow those businesses to expand and contribute to the local economy. Increased signage for industrial users could increase business opportunities for those companies and could also be attractive to industrial businesses wanting to locate in Gresham.

**Conclusion:** The proposals are consistent with and implement Statewide Planning Goals 1, 2 and 9 for the above reasons.

**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 Community Development Code text amendments.

*End of Staff Report*



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

CB 03-07

ORDINANCE NO. 1640

**AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN, FOR MINOR HOUSEKEEPING AMENDMENTS REGARDING BUILDING SEPARATION BETWEEN MAJOR BUILDINGS ON THE SAME LOT (FOR ROWHOUSE STYLE DEVELOPMENTS) IN THE MDR-12, MDR-24 AND OFR DISTRICTS; HEIGHT REQUIREMENTS FOR EXISTING NON-CONFORMING BUILDINGS IN THE DOWNTOWN PLAN, CIVIC NEIGHBORHOOD AND CORRIDOR DISTRICTS AND FOR FREE-STANDING SIGNS FOR LARGE INDUSTRIAL PARCELS**

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section Table 4.0130(E) is amended as follows:

Table 4.0130(E) - Minimum Setbacks in Residential Districts [7]

<u>Single Family Detached:</u> [6]	FRONT			SIDE					REAR	
	Front Facade/ Wall	Front Porch	Garage	Interior Side (Not Zero or Common Wall)	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/ No Alley	Rear/ With Alley
<u>LDR</u> [1]	10 feet	6 feet	18 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 feet	15 feet	6 feet
<u>TLDR</u> [1]	10 feet	6 feet	18 feet	5 feet	6 inches on zero/ 6 feet on other side [8]	10 feet	6 feet	18 feet	15 feet	6 feet
<u>MDR-12</u>	10 feet	10 feet	18 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
<u>OFR</u>	10 feet	10 feet	18 feet	10 feet	NA	20 feet	20 feet	20 feet	15 feet	NA
<u>Single Family Attached:</u> [6]										
<u>LDR</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	15 feet	6 feet
<u>TLDR</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	10 feet	6 feet

<u>MDR-24</u> <u>MDR-12</u> <u>OFR</u> <u>[2][3]</u>	10 feet	6 feet	18 feet	5 feet	NA	6 feet	6 feet	18 feet	10 feet	6 feet
<u>Attached Dwellings:</u> <u>[6]</u>										
<u>MDR-12</u> <u>[2][3][4]</u>	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 feet [5]	15 feet	15 feet
<u>MDR-24</u> <u>[2][3][4]</u>	10 feet [5]	6 feet [5]	NA [2] [5]	10 feet	NA	5 feet [5]	5 feet [5]	18 feet [5]	15 feet	15 feet
<u>OFR</u> <u>[2][3][4]</u>	10 feet [5]	NA [5]	NA [2] [5]	10 feet	NA	[5]	NA [5]	NA [5]	15 feet	15 feet

**Table 4.0130(E) Notes:**

- [1] See Section 10.0200 for setbacks of detached accessory structures and for setbacks of attached and detached patio covers in LDR and TLDR.
- [2] Buffering and Screening Standards of Section 9.0100 may apply.
- [3] Height Transition Standards of Section 9.0600 may apply.
- [4] 20 foot minimum distance between major structures on same lot, except for rowhouse dwellings on the same lot where a minimum of 10 feet in between major structures will be required. Detached carports and detached garages are not major structures. See Section 10.0200 for accessory structure setback standards.

\*\*\*\*\*

**Section 2. Volume 3, Development Code, Section 4.0434 is amended as follows:**

**Proposed Text Amendment**

**Corridor Districts**

**4.0434 – Building Height**

Minimum and maximum building heights are specified in Table 4.0430. Any required building story must contain a habitable floor.

(A) The minimum building height standard applies, with the following exceptions, to new commercial, residential and mixed-use buildings. It does not apply to community service buildings, accessory structures, one time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

\*\*\*\*\*



**Section 3. Volume 3, Development Code, Section 4.1133 is amended as follows:**

**Proposed Text Amendment**

**Downtown Plan District**

**4.1133 – Building Height**

\*\*\*\*\*

**(B) Height Standards**

Minimum and maximum building heights are specified in Table 4.1130(G) and (H). Any required building story must contain a habitable floor.

(1) The minimum building height standard applies ~~generally~~ to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

\*\*\*\*\*

**Section 4. Volume 3, Development Code, Section 4.1233 is amended as follows:**

**Proposed Text Amendment**

**Civic Neighborhood Plan District**

**4.1233 – Building Height**

\*\*\*\*\*

**(B) Minimum Height Standards**

The minimum building height requirement of 22 feet is applicable to all street frontages in the Plan District, but is not applicable to parts of buildings which are not visible from streets adjacent to the building.

(1) Minimum building height standards apply to new commercial and residential buildings. They do not apply to accessory structures, one time additions or expansions of non-conforming structures of no more than 25% and less than 1,000 square feet, or buildings with less than 1,000 square feet in area.

\*\*\*\*\*

**Section 5 Volume 3, Development Code, Section 8.0221 is amended as follows:**

**Proposed Text Amendment**

**8.0221 – Enlargement and Moving of a Nonconforming Development**

\*\*\*\*\*

(B) Any portion of a nonconforming development to be relocated on site or enlarged or moved shall be subject to height limits applying to the district in which the development is located except that minimum height standards shall not apply to one time additions or expansions of non-conforming buildings of no more than 25% and less than 1000 square feet. In undertaking any enlargement or moving, the development as a whole shall conform with applicable lot coverage standards.

\*\*\*\*\*

**Section 6. Volume 3, Development Code, Section A6.100 is amended as follows:**

**Proposed Text Amendment**

**Signs in Commercial, Mixed Use & Industrial Land Use Districts**

**A6.100 – Commercial, Mixed Use and Industrial Districts**

Signs in the NC, GC, RTC, SC, CMU, CC, MC, BP, LI and HI Districts shall be subject to the following limitations, except for multi-business complexes (see Section A6.101 for multi-business complexes):

(A) Free-standing Signs:

- (1) **Area.** The maximum permitted area per sign face shall be 0.4 square feet of sign face area per linear foot of site frontage, up to a maximum of 100 square feet. Regardless of site frontage a minimum of 40 square feet of sign area may be permitted.
- (2) **Height.** The maximum height of any portion of a sign or sign structure shall be 25 feet above grade.
- (3) **Number.** One sign per site shall be permitted, except in BP, LI and HI Districts where industrial users on parcels of 10 acres or larger may have one sign per street frontage. However, no free-standing sign shall be permitted on the same site where there is a projecting sign.

\*\*\*\*\*

First reading: February 6, 2007

Second reading and passed: February 20, 2007

Yes: Bemis, Echols, Bennett, Craddick, Stratherp, Warr-King, Nielsen-Hood

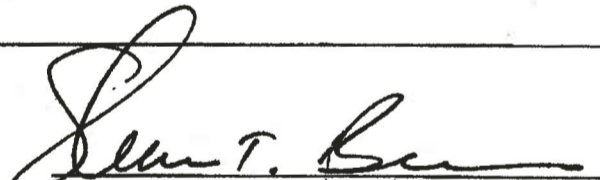
No: None

Absent: None

Abstain: None



City Manager

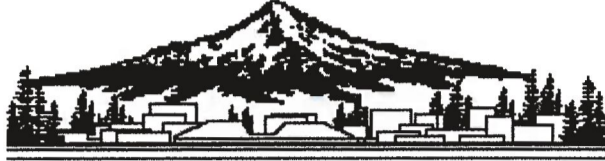


Mayor

Approved as to Form:

  
Senior Assistant City Attorney





*Community Development Department  
City of Gresham*

## CERTIFICATION OF MAILING

FILE NO.: CPA 06-313

PROJECT: City of Gresham – Omnibus 4

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

**DLCD**

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

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

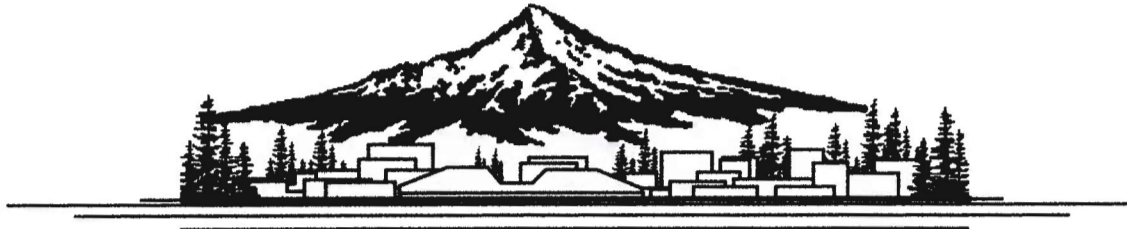
**Carol Rulla  
5162 SE 28<sup>th</sup> Drive  
Gresham, OR 97080**

**Brian Lessler  
264 SE 41<sup>st</sup> Court  
Gresham, OR 97080**

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

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: February 26, 2007



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

## **NOTICE OF FINAL DECISION**

**February 26, 2007**

On February 20, 2007, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 595 and Ordinance No. 1640)** contained in **Application No. CPA 06-313** regarding minor amendments to the Gresham Community Development Code (Omnibus 4).

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

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