



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/31/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 004-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, September 11, 2009

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

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

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

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

<paa> YA

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

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF		
AUG 24 2009		
LAND CONSERVATION AND DEVELOPMENT		
<small>For DLCD Use Only</small>		

Jurisdiction: **City of Gresham**

Local file number: **CPA 09-014**

Date of Adoption: **8/18/2009**

Date Mailed: **8/21/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/26/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amends the Gresham Development Code to require a fiscal analysis of a proposed annexation be prepared by the City's Finance Dept.; includes a requirement the City Council find any proposed annexation furthers the public interest; requires Manager's approval to use the Expedited Annexation process; includes stormwater utilities in definition of urban services; updates for consistency with Metro code and State law.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-09 (17454) [15685]

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

Local Contact: **Janet Young, Economic Dev Director** Phone: **(503) 618-2504** Extension:
Address: **1333 NW Eastman Parkway** Fax Number: - -
City: **Gresham** Zip: **97030-** E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



*Urban Design & Planning Services
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 09-014

PROJECT: City of Gresham-Annexation
Criteria

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

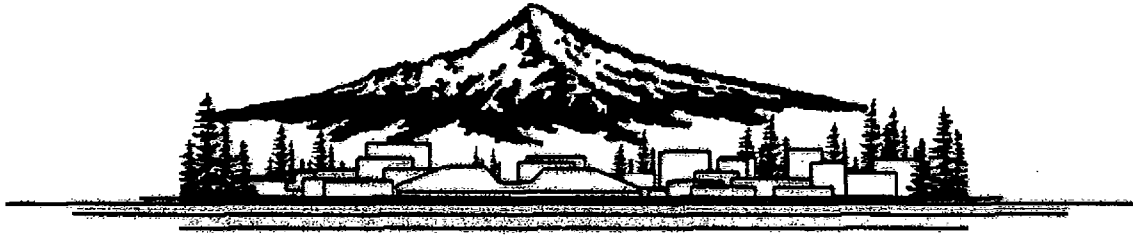
DLCD
Plan Amendment Specialist
635 Capitol Street, NE #150
Salem, OR 97301-2540

Metro
Growth Management
600 NE Grand
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Drive
Gresham, OR 97080

SIGNATURE: *Tammy J. Richardson*

DATE OF MAILING: August 21, 2009



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

NOTICE OF FINAL DECISION

August 21, 2009

On August 18, 2009, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 617 and Ordinance No. 1678)** regarding amendments to the Gresham Community Development Plan relating to **Annexation Criteria**.

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 09-014**, and may be reviewed at the City's Urban Design & Planning office Monday through Friday, 8:00 AM to 5:00 PM.

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

BEFORE THE CITY COUNCIL OF THE
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 3,) Order No. 617
DEVELOPMENT CODE, OF THE GRESHAM)
COMMUNITY DEVELOPMENT PLAN, REGARDING) CPA 09-014
ANNEXATION CRITERIA)

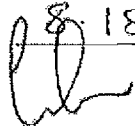
On July 7, 2009, the City Council held a public hearing to take testimony on amendments to Volumes 1, 2, and 3, of the Gresham Community Development Plan regarding Annexation Criteria.

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

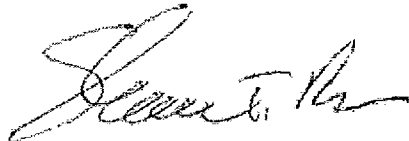
The Council closed the public hearing and approved the proposed amendments at the July 7, 2009 meeting, and a decision was made at the August 18, 2009 meeting.

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 reports.

Dated: 8-18-09


City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 09-014

A public hearing was held on June 8, 2009, upon an application to consider proposed amendments to Volumes 3, Development Code, of the Gresham Community Development Plan relating to **Annexation process and criteria**.


The Commission closed the public hearing at the June 8, 2009 meeting, and a final recommendation to Council was made at the June 8, 2009 meeting.

Joy Gannett, 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 Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached May 28, 2009 staff report, with the following changes:

Remove the words "as one factor" from the second sentence of A1.007


VICE Chairperson

6-8-09
Date



MEMORANDUM

ECONOMIC DEVELOPMENT SERVICES

STAFF REPORT
TYPE IV HEARING-- PLAN TEXT AMENDMENT
ANNEXATION POLICIES AND PROCEDURES

To: Gresham Planning Commission

From: Janet Young, Economic Development Services Manager

Hearing Date: June 8, 2009

Report Date: May 28, 2009

File: CPA 09-014

Proposal: To adopt comprehensive plan amendments to the annexation provisions in Appendix 1.000 of the Gresham Community Development Code, which is Volume 3 of the Community Development Plan. The proposal 1) adds a provision that the public interest will be furthered by the annexation; 2) requires that the City prepare a fiscal impact statement as a factor for the Council to determine public interest; 3) requires City Manager approval for an annexation to proceed using the Expedited Annexation process; 4) adds storm drainage to the list of public utilities to be considered in an annexation request; and 5) includes several minor "housekeeping" items to bring Gresham's code up to date with recent State and Metro changes..

Exhibits: 'A' – Draft Volume 3, Development Code, Amendments

Recommendation: Staff recommends **adoption** of the proposed comprehensive plan amendments.

SECTION I BACKGROUND INFORMATION

Executive Summary

Background

The limits of the city establish a host of important factors. It determines the taxes and rates the City will collect and where it will provide urban services. To ensure the effective delivery of services and to respond to changes in population, it may become necessary to alter boundaries as Gresham and the region evolves.

One of the most efficient ways for a city to logically address these issues is to proceed with an annexation. Sound economic development, enhancement of property values, and high service levels at minimum costs result from total comprehensive planning that includes annexation as a tool. By means of annexations, the Community Development Plan can be extended to adjacent areas in a logical manner, helping to assure orderly growth.

There were significant amendments to the Gresham annexation code in 2005 which brought the Gresham Code up to date with the many changes which had occurred in state and Metro laws regarding annexations between 1983 and 2005.

In 2006, a large portion of the Pleasant Valley area was annexed into the City. Through the process of this annexation, several additional items were identified for possible inclusion into the code.

Proposed Text Amendments Overview

- 1) **Public Interest.** The City Council has the discretion to decide if a property should be annexed into the City. Adding this section to the criteria means that findings will need to be developed stating why the annexation is in the public interest in terms of timing, infrastructure availability, etc. The provision is intended to make more clear to parties considering annexation that this is a discretionary decision and they will need to address why their application is in the public interest.
- 2) **Fiscal Impact Statement.** Through the process of the Pleasant Valley annexation, it became clear that the cost of infrastructure and the cost of providing other city services to newly annexed areas could strain the city's ability to serve the areas. City staff developed a financial model for the Springwater area and can extend such a model to the Pleasant Valley and Kelley Creek Headwaters areas. The model allows city staff to provide better information to Council on the potential impact of an annexation request on city services. This would be one factor to be considered by Council in an annexation.
- 3) **City Manager Approval of Expedited Annexation Process.** The Expedited Annexation process is intended to be utilized when there is 100% concurrence of property owners and at least 50% of electors in an area proposed for annexation. All of the same annexation criteria must be considered in an Expedited Annexation, but it does not require a public hearing. Any "Necessary Party" (generally any affected taxing jurisdiction) can request that the expedited process not be utilized. In a circumstance where it is clear to the City Manager, or designee, from the outset that there will be concerns with the provision of public services or infrastructure, it streamlines the process to move straight to a traditional annexation process rather than begin the Expedited Process.
- 4) **Storm Drainage as a Public Utility.** Most City services are explicitly identified in the current annexation criteria, however storm drainage is not included in the list. Adequate provision for storm drainage is a necessary factor in urbanization of an area, so this proposal includes it as a factor for consideration in an annexation.

- 5) **Miscellaneous "Housekeeping" Changes.** The Metro Code on annexations has changed since the last update to the City's Code. Numerical references are proposed to be changed to be consistent with the Metro change. In addition, the reference to Measure 37 has been updated to refer to Measure 49 which modified it.

Staff Report Organization

- Sections II and III below identifies those current Community Development Plan procedures and policies that apply to these proposed amendments.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles that apply to the proposed amendments.
- Section V that follows contains specific findings of fact that detail how the proposed text amendments are consistent with Sections II and III:
 - Subsection A is findings of fact for the procedures of the Community Development Plan
 - Subsection B is findings of fact for the policies of the Community Development Plan.
 - Subsection C is findings of fact for the UGMFP Titles
- Sections VI and VII summarize staff conclusions and recommendations.

Exhibit 'A' is the proposed amendments to Volume 3, Exhibit 1.000 Annexations

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

- Section 11.0400** Legislative Actions
Section 11.0205 Type IV Procedure – Legislative
Section 11.0300 Public Deliberations and Hearings

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- Section 10.014** Land Use Policies and Regulations
Section 10.100 Citizen Involvement
Section 10.410.1 General Annexation
Section 10.410.2 Annexation and New Communities

**SECTION IV
APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES**

Title 8 Compliance Procedures

**SECTION V
FINDINGS OF FACT**

The proposed Community Development Plan text amendments attached as Exhibit 'A' are consistent with all applicable criteria and policies of the Community Development Plan, as indicated in the following findings. Attachment 'A' provides "*commentary*" which supplements the findings.

A. Community Development Code Procedures

1. Section 11.0400 - Legislative Actions. This section requires that an amendment to the Community Development Code and the Community Development Plan be a legislative action under the Type IV Procedure pursuant to this section. This section applies to this proposal, as it is an amendment to the Community Development Code and the Community Development Plan.

2. Section 11.0205 - Type IV Procedure - Legislative. This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission and Council will make findings for each of the applicable criteria. The section also provides for a hearing process consistent with Section 11.0300. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal. Findings are made for the applicable criteria in this report or as revised in the record.

3. Section 11.0300 – Public Deliberations and Hearings. For a Type IV Comprehensive Plan Amendment this section requires that hearings be scheduled, a notice published in a newspaper of general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the *Gresham Outlook*, as required by this section. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

B. Community Development Plan Policies (Volume II)

This section identifies the Community Development Plan goals and policies applicable to annexation comprehensive plan amendments. The text (*italicized*) of the policy is followed by corresponding findings and conclusions.

1. Section 10.014 Land Use Policies and Regulations

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.

Policy 6: The City shall, consistent with applicable laws, ensure that all required public facilities and services are available or committed prior to development approval and are constructed or provided concurrently with development or prior to development occupancy.

Policy 21: Council may, upon finding it is the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Findings: On January 20, 2009, the Council initiated the Type IV Development code amendment process to modify criteria for annexation into the City. Annexation of property to the City is regulated by State law, Metro Code and the City's Development Code. It is within the City Council's discretion to determine if a property should be annexed to the City, or not. Items such as public interest and fiscal impact can be considered by the Council in making their decision. The proposed amendments are intended to make this ability more clear and transparent. With the proposed changes, storm drainage will be included as a public facility to be considered in annexation. In addition, the findings of public interest and fiscal impact will provide additional information to the City Council upon which to base their decisions about availability of public facilities and services prior to approving an annexation. Also the amendments will address recent amendments to Metro's annexation Code.

As required by State and Metro regulations a draft of the proposed amendments were sent Oregon Development and Land Conservation Department (DLCD) and to Metro at least 45 days prior to the scheduled June 8, 2009 Planning Commission hearing.

Conclusion: The proposed minor amendments to the Annexation Code are consistent with the significant changes made in 2005. The proposed changes clarify that annexations will be in the public interest and will more explicitly require consideration of the availability of City facilities and services. The proposed changes are consistent with the land use policies and regulations goal and applicable policies.

2. Section 10.100 - Citizen Involvement

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 2: *The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decision.*

Policy 6: *The City shall ensure that technical information necessary to make policy decisions is readily available.*

Policy 7: *The City shall facilitate involvement of citizens in the planning process, including data collection, plan preparation, adoption, implementation, evaluation and revision.*

Findings: The impetus for the proposed annexation amendments was the high cost of providing public infrastructure and other services in the New Community areas of Pleasant Valley and Springwater and the ability of the City to provide such services in a timely manner to newly annexed areas.

A Public Participation Plan was developed and implemented for these proposed changes. The purpose of the Public Participation Plan was to ensure citizens, landowners, businesses, and other interested parties were fully informed of the project; had convenient opportunities to provide input into the proposed modifications. Public involvement efforts have included:

- **Fact Sheet.** A Fact Sheet was created at the beginning of the project and updated as necessary throughout the process. It provided a basic description of the project, time schedule for public involvement and contact information.
- **Neighborhood Coalition Meeting.** At the February 10, 2009 meeting of the Neighborhood Coalition, information was presented, questions fielded, input received and an offer to meet with any interested Neighborhood Association was made.
- **Pleasant Valley Neighborhood Association Meeting.** On April 2, 2009, information on the proposal was presented to the association and questions answered. Followup information was sent to the group in response to questions.
- **Web Site.** The Economic Development Services page on the City's web site included a link to the Fact Sheet and information about the proposal. The web address was included on the Fact Sheet.
- **Open House for Property Owners and Residents in Urban Service Area.** On May 26, 2009, an Open House was held for those persons who own property or reside in the Urban Service Area, but who are not yet inside the City limits of Gresham.
- **Planning Commission Work Session.** Information on the proposal was available at the May 11, 2009 Planning Commission work session.

Conclusion: Information was available and input received from a broad-based group of citizens, including those persons not yet annexed to the City but within the Urban Service Area. The citizen involvement process has been consistent with the Citizen Involvement Goal and applicable policies.

3. Section 10.410.1 General Annexation

Goal: The City shall provide for clear and objective annexation processes and criteria consistent with Metro requirements and state law to ensure the opportunity for annexation of territory within the City of Gresham Urban Services Boundary

Policy 1: Ensure the annexation of remaining unincorporated land within the City of Gresham Urban Services Boundary (prior to 1998 and 2002 UGB expansions) and for subsequent Urban Services Boundary amendments.

Findings: The proposed amendments provide additional information to the City Council for their decision about whether or not to annex property into the City. This includes information on whether the public interest is served by the annexation, the fiscal impact of the annexation and the provision for storm drainage facilities. The proposed changes allow the City Manager to decline to process a proposed annexation through the Expedited Annexation process. The Expedited Annexation process allows the Council, when 100% of the property owners and 50% of any registered voters living in the area proposed to be annexed consent to the annexation, to approve the annexation without a hearing. Under the proposed amendments the Manager could determine that the annexation should be considered for approval at a public hearing. This streamlines the process for an annexation where the City would otherwise use its right to object to the Expedited process and require a public hearing. The proposal also reflects the correct citations to Metro Code and state Measures.

Conclusion: The proposed development code amendments provide more information to the City Council's discretionary decision on annexation. The ability of the City Manager to decline to process an annexation as Expedited does not change the criteria, only the process. The proposed changes are consistent with the general annexation goal.

4. Section 10.410.2 Annexation and New Communities

Goal: Provide for the orderly and efficient annexation of Pleasant Valley, Springwater, and subsequently planned new community urban areas.

Annexation and New Communities Policy 1: Annexation shall result in providing a complete range of urban services (transportation, stormwater, water, wastewater, public safety, parks and open spaces) within the urban services boundary.

Annexation and New Communities Policy 3: Place top priority upon watershed areas and urban service delivery feasibility when planning and proceeding with the logical annexation of new communities.

Annexation and New Communities Action Measure 9: Adopt simplified City procedures for annexation that reflect revised Metro Code 3.09 and applicable sections of ORS.

Findings:

The proposed amendments provide for additional information on public interest and fiscal impact as part of Council's decision making process. Storm drainage is proposed to be added as a public utility. Changes are proposed which make the City code consistent with state Measures and Metro Code.

Conclusion: Specifically considering public interest and fiscal impact prior to deciding to annex a property will allow for more orderly and efficient annexation to the City and will ensure that properties can reasonably be served with City services, including storm drainage. The proposal is consistent with the Annexation and New Communities Goal and the applicable policies and action measures.

C. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submits the proposed

amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of the compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to Metro on March 26, 2009 which was at least 45 day prior to the first evidentiary hearing of June 8, 2009. No comments or request for additional information has been made by Metro.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing.

The proposal is consistent with Title 8.

**SECTION VI
CONCLUSION**

The proposed comprehensive plan amendments attached as Exhibit 'A' is consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; Title 8 of the UGMFP, and the applicable proposed goals; as indicated by findings contained or referenced in Section IV of this report.

**SECTION VII
RECOMMENDATION**

Staff recommends **adoption** of the proposed comprehensive plan amendments.

End Of Staff Report

Proposed new language is double-underlined;
Proposed deleted language is ~~stricken~~.

CB 12-09

ORDINANCE NO. 1678

AMENDMENT TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY
DEVELOPMENT PLAN, REGARDING ANNEXATION CRITERIA

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Appendix 1.000 is amended as follows:

Appendix 1.000 – Annexations

Fiscal Impact Statement

A1.007 Fiscal Impact Statement

Appeals

A1.0078 Appeals

A1.004 Expedited Annexation Procedures

A. Subject to approval of the Manager a A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

B. An expedited boundary change proposal shall be considered by the City Council without a public hearing and may be placed on the Council consent agenda. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.

C. The petition requirements for expedited applications must be accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected territory pursuant to Metro Code 3.09.045(a).

D. Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures of Table 11.0314 as required for Type IV Comprehensive Plan amendments, as well as follow the expedited notice requirements provided in Metro Code Section 3.09.045(b).

E. A brief report shall be issued at least seven days prior to the decision date pursuant to the requirements of Metro Code 3.09.045(c). The decision record shall demonstrate compliance with the criteria contained in Metro Code 3.09.05045(d) and ~~(e)~~ (c).

F. An expedited process cannot be used if a necessary party gives written notice to contest the decision pursuant to Metro Code 3.09.045(b).

A1.006 Approval Criteria

The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- A. The affected territory must be located within the City's Urban Services Boundary.
- B. The affected territory must be subject to an adopted plan map or land use designation table in Volume 2 of the Community Development Plan. These plan map or land use designations will be applied to the individual sites within the affected territory upon an effective annexation.
 - 1. For annexations within Pleasant Valley, the adopted Pleasant Valley Plan District Plan Map shall apply.
 - 2. For annexations within Springwater, the adopted Springwater District Plan Map shall apply.
 - 3. For annexations within Area #13, the adopted Area #13 Plan Map shall apply.
 - 4. For annexations that are not within an adopted plan map, the adopted Multnomah County – City of Gresham Land Use Conversion table shall apply.
- C. The affected territory is contiguous to the existing city limits.
- D. For all boundary changes, the proposal complies with the criteria of Metro Code Sections 3.09.045(d) and (e) and 3.09.050 (e) (d) if applicable. For purposes of this section, public facilities and services mean "urban services" as defined by Metro Code 3.09 to include sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. It shall also mean police protection and storm water utility services.
- E. A Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37 as amended by Ballot Measure 49. This section only applies to those property owners who have consented in writing to annexation.
- F. For Pleasant Valley annexation:
 - 1. That either a Master Plan Agreement has been executed providing that a master plan pursuant to Sections 4.1470-4.1485 is required prior to development or;
 - 2. There is an approved master plan for the affected territory.
- G. That either:
 - 1. That funding mechanisms required to construct transportation, wastewater, water, stormwater and park facilities consistent with adopted Public Facility or Utility Master Plans, Parks and/or Transportation System Plans are in place or;
 - 2. *In lieu*, a Public Facilities, Parks, and Transportation Agreement is executed that funding will be in place prior to or concurrent with a development permit application.

H. That area specific System Development Charges, Transportation Impact Fees and/or Utility Rates identified for an adopted plan area are in effect.

I. That the public interest would be furthered by the annexation.

A1.007 Fiscal Impact Statement

The City shall prepare a fiscal impact statement, which shall estimate the fiscal impact that the proposed annexation would have on the City's general fund. The fiscal impact information shall be utilized in the determination of whether the public interest would be furthered by the approval of the annexation.

A1.0078 Appeals

The City Council decision may be appealed by a necessary party to the Metro Boundary Appeals Commission pursuant to the provisions of Metro Code Section 3.09.070. Any appeal by other parties will be processed according to state law.

First reading: July 21, 2009

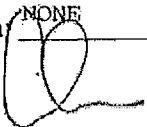
Second reading and passed: August 18, 2009

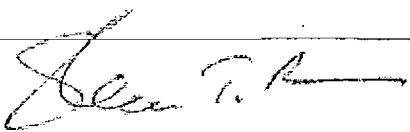
Yes: BEMIS, WIDMARK (via telephone) FUHRER, STRATHERN, CRADDICK, WARR-KING, NIELSEN HOOD

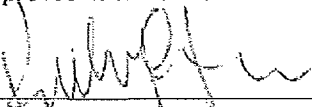
No: NONE

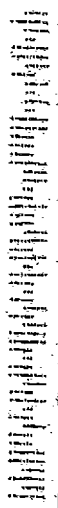
Absent: NONE

Abstain: NONE


City Manager

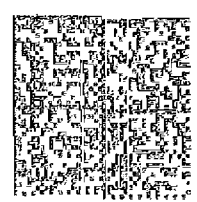

Mayor

Approved as to Form:

Senior Assistant City Attorney



VILLAGE PLANNING SERVICES
PLANNING SERVICES
NW EASTMAN PARKWAY
GRESHAM, OR 97030

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



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