



Oregon

Theodore R. Kubongoski, 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

7/20/2010

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 003-10

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: Monday, August 02, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA/ph



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

JUL 13 2010

LAND CONSERVATION AND DEVELOPMENT

DATE
S
T
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P

For Office Use Only

Jurisdiction: **City of Gresham**

Local file number: **CPA 09-092**

Date of Adoption: **7-6-2010**

Date Mailed: **7-12-2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3-25-10

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".

Updates Development Code regarding clarifications for design review and land divisions; child care facilities to match State legislation; updates the Plan Map amendment process; new standard for FAR for non-conforming developments; how mixed-uses may occur in commercial districts; and how small religious uses are reviewed.

Does the Adoption differ from proposal? Please select one

Minor clarification language; no substantive changes.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. _____

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

Metro

Local Contact: **Stacy Humphrey**

Phone: (503) 618-2202

Extension:

Address: 1333 NW Eastman Parkway

Fax Number: - -

City: Gresham

Zip: 97030

E-mail Address:

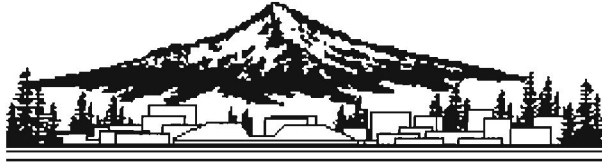
ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



*Urban Design & Planning Services
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 09-092

PROJECT: City of Gresham-DCIP4

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**

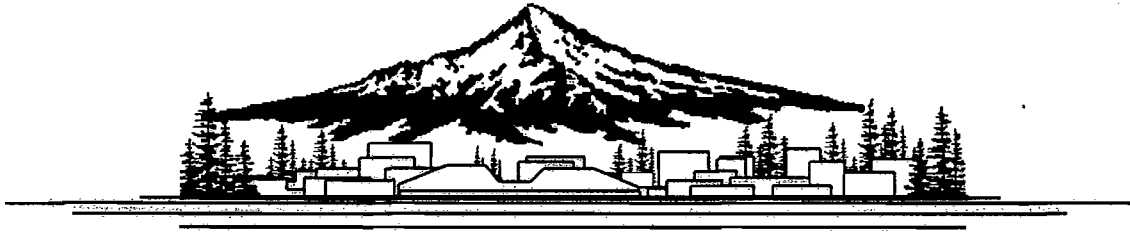
**Metro
Attn: Brian Harper
600 NE Grand
Portland OR 97232-2736**

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

**Bobbye Callas
14404 NE Rose Parkway
Portland, OR 97230**

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: July 12, 2010



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

NOTICE OF FINAL DECISION

July 12, 2010

On July 6, 2010, the Gresham City Council Approved the application of **City of Gresham (Council Order No. 625 and Ordinance No. 1692)** amending the Gresham Community Development Code regarding the **Development Code Improvement Project (Round #4)**.

The record for this project is maintained at Gresham City Hall, City of Gresham **File No. CPA 09-092**, 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

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

CB 07-10

ORDINANCE NO. 1692

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM
COMMUNITY DEVELOPMENT PLAN, REGARDING THE DEVELOPMENT
CODE IMPROVEMENT PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Section 3.0010 General Terms and Definitions of Article 3 Definitions is amended as follows:

Proposed Text Amendment

Condominium. Any building structure containing one or more ~~dwelling~~ units which is: a) subject to a declaration filed pursuant to ORS 100.005 to 100.990 and; b) in which there is a private ownership of individual units and common ownership of common areas.

Condominium Conversion. The filing of a declaration pursuant to ORS 100.005 to 100.990, or the sale by a declarant or condominium units that were previously rental units. This is also known as conversion to unit ownership.

Condominium Unit. Any individually owned ~~dwelling~~ unit in a condominium.

Section 2. Volume 3, Development Code, Section 4.0415 Moderate Commercial (MC) of Article 4 Land Use Districts and Plan Districts is amended as follows:

Proposed Text Amendment

4.0415 Moderate Commercial (MC)

The MC district is applied to smaller nodes of commercial activity clustered around key intersections. These districts are intended to function primarily as locally-oriented centers serving smaller trade areas. Permitted development types include commercial, retail, service, and office uses. This district also permits housing as a secondary use, with attached dwellings being developed in conjunction with commercial construction. ~~New housing at moderate densities may also be permitted, when developed in conjunction with commercial uses.~~ Design standards will ensure a strong pedestrian orientation for new development.

Section 3. Volume 3, Development Code, Table 4.0420 Uses Permitted in the Corridor Districts of Article 4 Land Use Districts and Plan Districts is amended as follows:

TABLE 4.0420: USES PERMITTED IN THE CORRIDOR DISTRICTS

Use Categories:	Rock-wood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial

I. Attached Dwellings on a Single Lot	P ⁹	P ¹³	P	P	P	L ¹¹	L ¹¹

Q. Mixed-Use Development	P ⁹	P	P	NP	P	P ¹³	P ¹³

Proposed Text Amendment

Table 4.0420 Notes:

- 13 New attached dwellings on an individual lot shall be developed as a mixed-use project when the subject parcel fronts East Burnside on a public street and is within 500 feet of the center lines of the intersections of East Burnside and 162nd, 172nd or 197th Avenues. A development proposal may be exempted from this standard upon an affirmative finding that the street frontage has insufficient dimensions, such as in the case of flag lots or irregular shaped parcels, whereby it is physically impracticable to develop commercial or community service uses. Housing developed for persons with special needs is exempted from the mixed-use requirement. This is housing for persons with "special needs" consistent with the definition of the most recent "Consolidated Action Plan" as approved by the U.S. Department of Housing and Urban Development.

- 15 Mixed-Use Development is permitted provided the development remains primarily commercial. This is achieved by having: 1) at least 51% of the site's ground floor uses be commercial uses and 2) at least 75% of the linear street footage be fronted by a ground floor commercial use. The street frontage requirement only applies to a street classified as principal arterial, arterial or boulevard. The 75% standard does not apply to those parts of street not fronted by a building due to a driveway or other site element required by the Development Code, such as a required buffer or height transition area.

Section 4. Volume 3, Development Code, Section 4.0432 Floor Area Ratio of Article 4 Land Use Districts and Plan Districts is amended as follows:

Proposed Text Amendment

4.0432 Floor Area Ratio

The minimum floor area ratios contained in **Table 4.0430** apply to non-residential and mixed-use development. Alterations to existing development are exempt from the minimum FAR standard. For mixed-use developments in areas with a minimum commercial FAR and a minimum residential density requirement, minimum FAR and residential density requirements are satisfied when consistent with the following formula:

Section 5. Volume 3, Development Code, Section 6.0000 Introductory Provisions of Article 6 Land Divisions is amended as follows:

Proposed Text Amendment

Condominiums

6.0020 Condominiums

- A. Condominium Review. A request to create condominiums shall be reviewed under the Type II Procedure as part of the Design Review or Land Division process.
- B. Plat Approval for a Condominium.
 - 1. Upon approval by the Manager, (The applicant shall submit all necessary documents and final plat copies following the applicable requirements of **Section 6.0400** of this document and applicable sections of ORS 94.550 to 94.785, ORS Chapter 100, and the platting requirements of ORS Chapter 92.
 - ~~2~~C. Public improvements must comply with the standards of **Appendix 5.000**.
 - ~~3~~D. Plat recording shall not occur until the County Recording Officer has received a written approval from the Manager establishing compliance of the proposal with all applicable City of Gresham Development Codes.
- ~~C~~E. Condominium conversions must comply with **Section 10.0400**

Section 6. Volume 3, Development Code, Section 6.0100 Lot Line Adjustments and Lot Consolidations of Article 6 Land Divisions is amended as follows:

Proposed Text Amendment

6.0101 Lot Line Adjustments and Lot Consolidations

- A. Lot line adjustments and lot consolidations shall be processed under the Type I procedure and shall be approved by the Manager provided that the adjusted lots comply with the applicable requirements of the Community Development Code with the exception of **Sections 5.0100, 5.0210, 5.0300, 5.0400, 5.0500, 9.0100, and 9.0500 and Appendix 5.000— Public Facilities Standards.** If the lot line adjustment application is processed with another development application, all the applicable requirements of the Community Development Code shall apply.
- B. Approval of a lot line adjustment or lot consolidation may be conditioned to require the abandonment of existing utility facilities if the resulting property line configuration renders them unusable or redundant.
- C. Approval of a lot line adjustment or lot consolidation may be conditioned to require any necessary easements described in **Section 9.0300 Easements.**

6.0112 Lot Consolidations

Upon approval of a Type I lot consolidation by the Manager, and upon demonstrating compliance with approval conditions:

- A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.
- B. The County Assessor may consolidate parcels or tracts of land that are not within a recorded plat.

Section 7, Volume 3, Development Code, Section 7.000 Purpose and Authority of Article 7 Design Review is amended as follows:

Proposed Text Amendment

7.0003 Applications

- C. Design Review C. Design Review C is a Type II review, but is not subject to a pre-application conference. Design Review C may apply when there is: no increase in residential density that requires an increase in building area; no new buildings; or no new outdoor area, except as provided for below. The Design Review may include one of the following:
 - 1. A change to the primary use. A change in use from an allowed commercial to a Type II or higher Community Service Use, and the change back to an allowed commercial use, shall not be considered a change to the primary use for purposes of this section;
 - 2. Duplexes in all districts except LDR-5, LDR-7, TR and TLDR;
 - 3. A change to public facility requirements;
 - 4. A change to buffers, including an alternate buffer;
 - 5. A new driveway access;
 - 6. A change in landscaping requirements;
 - 7. An expansion to an existing parking lot; or
 - 8. A new parking lot.

Section 8, Volume 3, Development Code, Section 8.0100 Community Services of Article 8 Special Uses is amended as follows:

Proposed Text Amendment

8.0110 Type I Community Services

- H. A religious institution with seating for 300 or fewer persons and for more than 100 persons within the principal place of assembly, when occupying an existing commercial building that is a legal use in the underlying land use district. Religious institutions with seating for 100 or fewer persons within the principal place of assembly, when occupying an existing commercial building that is a legal use in the underlying land use district, are exempt from a Community Service Use review.

8.0112 Type III Community Services

The following community services may be approved under the Type III procedure:

- K. Child care facilities for 1713 or more children.
- L. Child care facilities for up to 1612 children operated by a person other than a resident of the home where the care will be given.

Section 9. Volume 3, Development Code, Section 8.0200 Existing and Non-Conforming Uses and Development of Article 8 Special Uses is amended as follows:

Proposed Text Amendment

8.0202 Design Review Standards

All design review requests shall comply with all applicable standards in the Community Development Code. Development which only affects a portion of a site shall conform with the applicable standards for that portion of the site where development is proposed. Where non-conforming development exists on part of a site (not being re-developed) compliance with the following standards for the entire developed site is required:

- A. Street facing facade upgrades when located in a Design District with adopted design principles, design guidelines, and design standards.
- BA. The screening requirements in **Section 9.0100** - Buffering and Screening, if applicable.
- CB. The street tree planting requirements in **Section 9.1020** - Street Trees.
- DC. The parking lot landscaping requirements in **Section 9.0823(C)(1), (2), (3), and (4).**
- ED. The pedestrian circulation connection requirements in **Section 7.0202(K).**
- EE. The bicycle parking requirements in **Section 9.0830** - Parking.
- GF. The Carpool /Vanpool requirements in **Section 9.0857.**

The applicant shall not be required to spend more than 10% of project costs on these improvements if they are on that portion of the site not being developed. If full compliance with the above requirements cannot be achieved within the 10% project cost limitation, the applicant shall comply with the above requirements in the order of priority as listed. However, the Manager may vary the listed priority if it is determined that the adjacent neighborhood or the public would be better served by applying a different order of the above standards on a particular site.

8.0221 Enlargement and Moving of a Nonconforming Development

A nonconforming development may be enlarged or moved as authorized by meeting the requirements of this section, following Type II procedures.

- C. Where a nonconforming development is substandard with respect to the minimum floor-area ratio (FAR), the nonconforming development may be expanded without regard to minimum FAR standards of the district, provided the combination of new and old developments are sited so as not to preclude meeting the minimum FAR in the future.

DE. Conformance with applicable minimum lot size, minimum street frontage, and lot dimension requirements shall not be required in connection with the enlargement or moving of a development which is deficient in these areas, provided the Manager finds full conformance with all other provisions of this section.

Section 10. Volume 3, Development Code, Section 9.0100 Buffering and Screening Requirements of Article 9 Common Requirements is amended as follows:

Proposed Text Amendment

9.0111 Buffer Matrix

A. Buffer Matrix (Table 9.0111A and B) Notes:

1. Residential community services are the following noise sensitive units: public urban plazas, public neighborhood parks, public community parks, public multi-use paths, public walking/hiking trails, buildings used for religious worship, public or private elementary, high school and college schools, campground, public library, hospital, child care facilities for ~~1713~~ or more, resorts, drug and alcohol treatment facility and elderly housing.
2. All other community services are considered non-residential community services for the purpose of this section. No buffer is required for bed and breakfast inns or child care facilities for up to ~~1642~~ children operated by a person other than a resident of the home where the care will be given. In addition, a buffer is not required for Type I Community Services, except that a buffer shall be required for a minor utility or public facility, and for a portable classroom for an existing public or private school.

Section 11. Volume 3, Development Code, Section 9.0300 Easements of Article 9 Common Requirements is amended as follows:

Proposed Text Amendment

9.0307 Private Easements

When a Land Division or Lot Line Adjustment creates a property line configuration whereby an existing or future access or utility will encroach on a lot other than the one it serves, an easement shall be granted over the access or utility as a condition of approval of the development permit. If the subject lots are under the same ownership, an agreement shall be executed, as a condition of approval of the development permit, requiring creation of an easement upon the sale of any of the lots.

TABLE 11.0204

LAND USE APPLICATIONS AND REVIEW AUTHORITIES

R = RECOMMENDATION D = DECISION AUTHORITY A = APPEAL AUTHORITY

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Subc.	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council

LOTS AND PARCELS (6.0000)										
6.0020	Condominium Creation	Y	II	D	A					
<u>6.0020</u>	<u>Condominium – Final Plat</u>	<u>N</u>	<u>I</u>	<u>D</u>	<u>A</u>					
6.0200	Partition	Y	II	D	A					
6.0300	Planned Developments	Y	III		D				A	
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A					
6.0200	Subdivision - Preliminary	Y	II	D	A					
6.0001	Land Division - Final Plat	N	I	D	A					
6.0410	Extension of land use decision	N	I	D	A					

OTHER										

12.0000	Code or Plan Map Amendment									
12.0000	One parcel or small group of parcels	Y	III						R	D
<u>12.0000</u>	<u>Conditioned</u>	<u>Y</u>	<u>III</u>						<u>R</u>	<u>D</u>
12.0000	Large area/multiple ownerships	N	IV						R	D

Section 14. Volume 3, Development Code, Article 12 Map Amendments is amended as follows:

Proposed Text Amendment

12.0001 Community Development Plan Map Amendments

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the Community Development Plan Map.

A. Type III Plan Map Amendments - One Parcel or Small Group of Parcels.

1. Property owners or the City may initiate a plan map amendment for one parcel or a small group of parcels under the Type III procedure. Unlike other Type III procedures, the decision of the Planning Commission on a Type III Plan Map Amendment shall be in the form of a recommendation to the Council. The Council shall hold another public hearing and make a final decision.

3. Amendment Criteria. The applicant must demonstrate compliance with the following criteria:

- a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Code Plan. The applicant must demonstrate that the proposed designation complies with the appropriate locational criteria land use district or sub-district characteristics identified in the Community Development Code.

B. Type III Plan Map Amendments - Conditioned Plan Amendment

1. An applicant may initiate a conditioned plan map amendment. A conditioned plan map amendment links the map amendment to a specific development proposal or specific use. Unlike other Type III procedures, the decision of the Planning Commission on a Type III Conditioned Plan Map Amendment shall be in the form of a recommendation to the City Council. The City Council shall hold another public hearing and make a final decision.
2. A conditioned plan map amendment may take one of two forms:
 - a. A plan map amendment submitted at the same time as an application for a specific land use, such as a Design Review or Land Division. The decision on the plan map amendment shall be conditioned to the specific development proposal. If the concurrent application is a Design Review subject to established design principles, design guidelines, and design standards of a Design District, then the Design Review component shall be reviewed by the Design Commission. The Design Commission shall provide a recommendation on the Design Review element for the City Council decision. This is in addition to the general process outlined above in Section 12.0001(B)(1).
 - b. A plan map amendment with some details regarding a specific future land use. The decision on the plan map amendment shall be conditioned to the specific future land use. This review for conditions is an additional Type III review for the plan map amendment. The following information shall be provided to calculate impacts for the specific use:
 - i. For all uses, information regarding the compatibility of the anticipated use with the surrounding area. This shall include a conceptual site plan, anticipated building heights, and conceptual drawings of the use.
 - ii. For residential uses, the proposed density and the number of units;

- iii. For non-residential uses, the square footage of buildings and type of use, such as restaurant or office.
 - iv. The Manager may specify additional information necessary to review a conditioned plan map amendment.
 - 3. If an application for a conditioned plan map amendment is denied, the property owner may not submit a request for the same plan map designation on the same parcel or small group of parcels within 12 months from the date the previous application was found to be complete.
 - 4. Amendment Criteria. The applicant must demonstrate compliance with the following criteria:
 - a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Plan. The applicant must demonstrate that the proposed designation complies with the appropriate land use district or sub-district characteristics identified in the Community Development Code.
 - b. The proposed designation will not negatively impact existing or planned public facilities and services. If there is a negative impact on existing or planned public facilities or services, then mitigation of the impact shall be addressed through conditions upon the plan map amendment.
 - c. The applicant 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 Code 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 uses vary. The factors to be used in determining suitability are parcel size and location.
 - d. The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.
 - 5. Expiration of Conditioned Plan Map Amendment Approval. The approval of a conditioned plan map amendment shall expire five years from the date the approval was final if no development application has been approved. The approval shall also expire if the approved development application subsequently expires.

CB. Type IV Plan Map Amendments - Large Area of the City and Multiple Ownerships.

- 2. Amendment Criteria. The City must demonstrate:
 - a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Code Plan.
 - b. That the proposed designations comply with the appropriate locational criteria ~~land use district or sub-district characteristics~~ identified in the Community Development Code.

First reading: June 15, 2010

Second reading and passed: July 6, 2010

Yes: Bemis, Widmark, Craddick, Strathern, Warr-King, Fuhrer

No: None

Absent: Nielsen-Hood

Abstain: None

ac [unclear], AIC
City Manager

[Signature]
Mayor

Approved as to Form:

[Signature]
Senior Assistant City Attorney



MEMORANDUM

URBAN DESIGN & PLANNING

STAFF REPORT

TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT

DEVELOPMENT CODE IMPROVEMENT PROJECT

To: Gresham Planning Commission

From: Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, AICP, Long Range Planning Manager
Stacy Humphrey, Associate Comprehensive Planner

Hearing Date: May 10, 2010

Report Date: April 30, 2010

File: CPA 09-092

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Development Code Improvement Project including: review of small religious institutions; need for design review when converting a commercial structure; land division modifications; mixed-use development standards; plan amendment process; and non-conforming development standards.

Exhibits: 'A' – Draft amendments to Volume 3 of the Community Development Plan

Recommendation: Staff recommends **adoption** of the proposed Comprehensive Plan amendments.

SECTION I EXECUTIVE SUMMARY

Background

The Development Code Improvement Project began as an initiative in the 2007 Council Work Plan. The project is a comprehensive review of Gresham's Development Code, which has grown increasingly complex over the past decade. In the spring of 2007, staff sought the input from stakeholders such as decision makers, internal staff, neighborhood representatives, and developers to identify issues with the Code. Stakeholders were asked questions about the Code and its implementation to identify key problems in working with the existing Code and to help prioritize desired improvements to the Code. The information from this outreach was summarized in June 2007 as *The Development Code Improvement Project Scoping Report*.

Based on this report, the Development Code Improvement Project (DCIP) has been included in the annual Council Work Plan. The purpose of the DCIP is to assess and propose revisions to the Development Code as a means to improve its effectiveness, reduce uncertainty in reading the Code, and increase consistent interpretations and applications of the Code. The initial round of DCIP comprehensive plan amendments was approved by the City Council and effective November 6, 2008. The second round of DCIP comprehensive plan amendments was effective on May 7, 2009. The third round addressed urban chickens, and was approved by City Council in December 2009.

The topics in this fourth round of the DCIP emerge from the 2009 DCIP and the 2009 Corridor Districts Review projects. Two new topics have been added as well. This staff report and Council Bill covers the following issues from the DCIP work plan:

NEW TOPICS

- Review of small religious institutions
- Change of use from Commercial to Community Service Use

TOPICS FROM THE 2009 DCIP PROJECT

- Modifications to Land Division processes
- Updating requirements regarding home day care
- The Plan Map Amendment process
- Non-conforming development standards

TOPICS FROM THE 2009 CORRIDOR DISTRICTS REVIEW

- Mixed-use development standards in the Community Commercial (CC) and Moderate Commercial (MC) land use districts
- Mixed-use development requirement in the Station Center (SC) land use district

Public outreach included a community meeting, work sessions with the Planning Commission, work sessions with the City Council, and input from a focus group.

Proposed Comprehensive Plan Amendment Overview

Text changes to the Development Code are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~ /underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview provided below summarizes changes by issue area.

Review of Small Religious Institutions

Religious institutions are subject to a Type II or Type III Community Service Use review, depending on seating capacity. There is no distinction if the institution locates in an existing building or builds a new building.

The amendments recognize that a religious institution locating in an existing commercial space will have similar or less impacts on public facilities and the surrounding area than would a new commercial use. For those institutions locating in an existing commercial space with less than a 300-person and more than

100-person seating capacity, the use shall be reviewed through a Type I Community Service Use. The Type I process provides the opportunity to place conditions on the approval to minimize adverse impacts. For those institutions locating in an existing commercial space with a 100 or fewer person seating capacity, the use shall be exempt from the Community Service Use process. Like other uses in the Development Code, if the use expands beyond these thresholds, it will be subject to the appropriate review. Similarly, if the on-site parking is inadequate for the religious institution's needs, then the use would be subject to a Design Review to ensure adequate parking.

Affected Development Code sections include Article 8 Special Uses, Section 8.0100 Community Services.

Change of Use from Commercial to Community Service Use

Currently, a "change to the primary use" is subject to a Type II Design Review C. Primary uses are considered residential, commercial, industrial, and community service use. When a Type II or higher community service use locates into an existing commercial building, there may be no modification to the structure or site; however, it is still subject to Design Review because of the change to primary use. There are other triggers for Design Review incorporated into the Design Review procedures such as parking lot expansions, changes to access, and changes in landscape requirements that capture pertinent issues for a Design Review.

The amendment exempts the conversion from a commercial use to a Type II or higher Community Service Use from a Design Review based on the change of use, and exempts the conversion back to a commercial use from a Design Review based on the change of use. Other triggers for requiring a Design Review remain.

Affected Development Code sections include Article 7 Design Review, Section 7.0000 Purpose and Authority.

Land Divisions

Article 6, Land Divisions, outlines the procedures for review and approval of different land division processes. These processes include but are not limited to: lot line adjustments, lot consolidations, and condominium creation. These processes are reviewed in two steps: review of the proposal and review of a final plat.

With condominium creation, the process for reviewing the final plat is not clear. The final plat needs to be reviewed to ensure what will be recorded matches what was approved. The amendment clarifies that the review of the final plat is a Type I process.

With lot line adjustments and lot consolidations, there is no mechanism that allows the city to require the recordation of an easement or the abandonment of service as part of an approval. Without the ability to require the abandonment of service, a lot that has gone through a lot consolidation may have two services when only one is needed. Without the ability to require the recordation of an easement, lots that have gone through a lot line adjustment may not continue to have access to utility lines that serve them. Additionally, the lot line adjustment may result in a lot where a future access can no longer be made directly to the street due to factors such as slopes or site distances. The amendment provides the City the opportunity to require easements and abandonments as needed.

With lot consolidations, the Code currently requires consolidations perform a survey to finalize the consolidation. This is not required by State statute or by the County Surveyor. The amendment modifies the process to match that used by the County Surveyor.

Additional minor modifications are proposed in association with these amendments including modifying the definition for condominiums to include commercial and industrial uses.

These changes may be found in Article 3 Definitions; Article 6 Land Divisions; Article 9 Common Requirements, Section 9.0300 Easements; Article 10 Supplemental Regulations, Section 10.0400

Conversion of Units; and Article 11 Procedures, Table 11.0204 Land Use Applications and Review Authorities.

Child Care Facilities

Child care facilities are allowed in the City under different circumstances. A child care facility for up to 12 children operated by a resident of the home is allowed. A child care facility for 13 or more children operated by a resident of the home is allowed through a Type III Community Service Use review. A child care facility for up to 12 children operated by someone other than a resident of the home is allowed through a Type III Community Service Use review. Child care facilities and licensing are regulated by the Child Care Division of the Department of Employment.

House Bill 2999, enrolled in 2005, modified the threshold at which different standards and licensing requirements apply to child care facilities. The threshold was change to 16 children from 12 children. The amendment adopts this new threshold to ensure the Development Code upholds the licensure requirements of the State.

This change may be found in Article 8 Special Uses, Section 8.0100 Community Services and Article 9 Common Requirements, Section 9.0100 Buffering and Screening Requirements.

Plan Map Amendments

A Plan Map Amendment is a process by which a property owner may request amending a property's land use district to a different land use district. Volume 2, Policies, of the Gresham Community Development Plan provides a policy that requires the City to allow for concurrent applications to amend the Plan Map and for development plan approval of a specific land use. There is no Development Code language that implements this policy.

The amendment includes a process by which an applicant may submit a Plan Map Amendment at the same time as a development plan for a specific land use. In the case where the companion application is for a Design Review where the Design Commission would review the application, then this would occur in this concurrent process. The Design Commission would issue a recommendation to the City Council on the Design Review, and provide this recommendation to the Planning Commission as it deliberates for its recommendation on the Plan Map Amendment component; the City Council is the decision maker. Further, the amendment includes a process by which an applicant may submit a Plan Map Amendment with some additional information on infrastructure and neighborhood impacts. In both of cases, the decision on the Plan Map Amendment may be conditioned based upon the additional information provided.

The approval of a conditioned Plan Map Amendment will expire five years from the time of approval if a development application has not yet been approved. The five-year time frame takes into consideration different market conditions, the time needed to identify potential tenants and financing, and the time needed to pursue the public review process.

This change may be found in Article 12 Map Amendments and Article 11 Procedures, Table 11.0204 Land Use Applications and Review Authorities.

Non-Conforming Development, Floor-Area Ratio Standards

A non-conforming development occurs when a development was built in compliance with standards, but is no longer in conformance due to changes in the land use district or other regulations of the Code. The Code has provisions on how to expand a non-conforming development, but does not discuss how to address floor-area ratio (FAR) standards. Many developments in the Downtown Plan District are now considered non-conforming because the FAR has been increased. If a development wished to expand, it would not be permissible unless the expansion met the new FAR requirements.

The amendment makes explicit that a non-conforming development may expand without regard to minimum FAR, and requires the combined development to be located in such a way that that the site may meet the minimum FAR at a later time. This may be done by designing the structure to support additional

floor(s) that get the site to the minimum FAR, or by doing a "shadow site plan" that demonstrates where future intensification may occur that gets the site to the minimum FAR.

An additional amendment requires up to 10 percent of the project value be dedicated to a street facing façade upgrade as part of the expansion of the non-conforming development. This applies within Design Districts with adopted design principles, design guidelines, and design standards. This will bring a development into greater conformance with new design principles, design guidelines, and design standards.

These changes may be seen in Article 8 Special Uses, Section 8.0200 Existing and Nonconforming Uses and Development.

Mixed-Use Developments in the CC and MC districts

The Community Commercial (CC) and Moderate Commercial (MC) districts are intended to be primarily commercial in their development pattern. Mixed-use development with both commercial and residential uses is permitted in these districts. However, there are no standards regarding how to remain "primarily commercial" when developing as a mixed-use development. Consequently, Gresham has seen new mixed-use development occur in one of these districts with a very high percentage of residential development and a correspondingly low percentage of commercial development.

The amendment modifies the land use characteristic statement for the MC district to more closely match that of the CC district as it relates to the commercial nature of the district, and the secondary nature of residential uses. The amendment sets a minimum amount of commercial development that may occur in a mixed-use development – 51% of ground floor area must be in commercial uses; 75% of the linear street footage must be in commercial uses. For the frontage standard, this applies only to streets classified as boulevard, arterial, or principal arterial since it is desirable to have commercial uses fronting these streets; on a collector or community street, it is not necessary to locate commercial uses along the street since the land use across the street may be residential. The frontage standard is calculated as the linear street frontage, minus driveways and other code required site elements such as a required buffer or height transition area.

These changes may be seen in Article 4 Land Use Districts, Section 4.0400 Corridor Districts.

Mixed-Use Developments in the Station Center District

The Development Code, Table 4.0420, footnote 13 requires new attached dwellings on a single lot in the Station Center district to be developed as a mixed-use project if they are located within 500 feet of the center lines of the intersection of East Burnside and 162nd, 172nd, or 197th Avenues. This standard has resulted in mixed-use development, with ground floor commercial space one block away from the MAX line and transit street. For example, Elaine Station, at the corner of 172nd Avenue and NE Couch Street, was required to be built as a mixed-use development project. The commercial element fronts 172nd Avenue, a collector street, is located one block from the MAX station, and has not been occupied by a commercial tenant. The location of a commercial use away from the MAX line and transit street decreases its visibility, and thus, its viability.

The amendment modifies this requirement so that new attached dwellings on a single lot in the Station Center district are required to be built as a mixed-use development if located within 500 feet of the center lines of the intersection of East Burnside and 162nd, 172nd, or 197th Avenues only if they front East Burnside.

This change may be seen in Article 4 Land Use Districts, Section 4.0400 Corridor Districts.

Staff Report Organization and Contents

- Section I is an Executive Summary of the project that provides an overview of proposed Community Development Plan and Code changes anticipated as part of this project.
- Section II identifies applicable Development Code procedures that apply to the proposal.

- Section III identifies those current Community Development Plan Goals and Policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles that apply to the proposal.
- Section V contains findings of fact that indicate how the proposal is consistent with Sections II through IV:
 - Subsection A is findings of fact for the Community Development Code Procedures.
 - Subsection B is findings of fact for the Community Development Plan Goals and Policies.
 - Subsection C is findings of fact for the Metro Functional Plan titles.
- Sections VI and VII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3 (Development Code) as well as commentary. The commentary provides additional findings for this proposal.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

Section 11.0200 and 11.0204	Initiation and Classification of Applications
Section 11.0600	Type IV Procedure – Legislative
Section 11.1000	Public Hearings

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES**

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.312	Commercial Land Use
Section 10.319.1	Transit Corridor Plan Area

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

Title 8	Compliance Procedures
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**SECTION V
FINDINGS OF FACT**

The proposed Community Development Plan amendments attached as Exhibit 'A' are consistent with all applicable procedures, Goals and Policies of the Community Development Plan and applicable titles of the Metro Urban Growth Management Functional Plan as indicated in the following findings.

A. COMMUNITY DEVELOPMENT CODE PROCEDURES

1. Section 11.0200 and 11.0204 – Initiation and Classification of Applications. This section classifies applications and requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. 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 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal. The Planning Commission public hearing is May 10, 2010 and the tentative date for the City Council hearing will be June 15, 2010. Findings are made for the applicable criteria in this report or as revised in the record.

2. Section 11.0600 – Legislative Procedures. 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.

3. Section 11.1000 - Public 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 GOALS AND POLICIES (VOLUME II)

This section identifies the applicable Community Development Plan Goals and Policies. The text (*italicized*) of the Policy is followed by corresponding findings and conclusions. The applicable Policies are grouped by general categories.

1. General Goals & Policies

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

Policy 8: The City shall require all development to conform to its land use regulations and standards.

Policy 17: The City shall allow concurrent applications to amend the Comprehensive Plan and Community Development Plan Map and for development plan approval of a specific land use. The City may condition a Plan Map change based on the development of a specific land use.

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction; and conform to applicable state law, administrative rules, and regional requirements.

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

Policy 24: The City shall protect the economic development value and jobs potential of its designated commercial and industrial lands by restricting land uses not supportive of local and regional economic development objectives.

Findings

These general Goals and Policies establish the City's intent to use its Comprehensive Plan (Gresham Community Development Plan [GCDP]) as the basis for appropriate planning processes and resulting land use plans.

The proposed amendments are part of the Development Code Improvement Project which was requested by the Gresham City Council to reduce uncertainty and increase consistent interpretations and applications of the Development Code. The City Council initiated the project on January 6, 2009 by

adopting it in its Work Plan. Two of the proposed amendments are carried forward from the Corridor Districts Review project which was requested by the Gresham City Council in 2009 to examine the capacity of corridors to accommodate higher residential densities. The City Council discussed items in the work plan on September 8 and December 8, 2009. The Council found that it would be in the overall best public interest to initiate the Code Amendment. Other public participation events include meetings with the Planning Commission and a community forum.

The proposed amendments include a process by which an applicant may submit an application for a development permit concurrent with a plan map amendment. The amendment also provides for a process that enables an applicant to pursue a plan map amendment with some notion of future development, but not a full development permit application.

The proposed amendments include standards for allowing mixed-use developments in the Community Commercial and Moderate Commercial districts in such a way that the two districts maintain their focus as "primarily commercial" land use districts. An additional amendment includes refined locational standards for when mixed-use developments are required in the Station Center district.

Other proposed amendments clarify: the ability to require an easement with a lot line adjustment; lot consolidation processes; the recording of condominiums plats; and how to address the floor-area ratio standard with the expansion of a non-conforming development. Further, the amendments update the thresholds for child care to match the thresholds used by the Oregon Department of Employment, Child Care Division.

Last, two amendments are included that respond to current issues. First, one amendment modifies the level of review for smaller religious institutions that seek to locate in a vacant commercial building. This type of use would have impacts that are similar or smaller than the commercial use that was located in the space. For religious institutions with a seating capacity of 300 or fewer persons and more than 100 persons, the use would be reviewed through the Type I Community Service Use review. For those with a seating capacity of 100 or fewer persons, the use would be allowed.

Conclusions

Policy 2 is addressed by the proposed amendments that ensure that the Development Code regulations implement the Comprehensive Plan.

Policy 8 is addressed by providing clear processes through which proposals are reviewed to ensure they conform to the City's land use regulations and standards.

Policy 17 is addressed by providing for a concurrent review of a plan map amendment and an application for a development permit.

Policy 20 is met by addressing Development Code improvements and engaging stakeholders in a conversation about how the Code meets community needs.

Policy 21 is addressed by the Council initiation on January 6, 2009 of the legislative process.

Policy 24 is addressed by provided standards to ensure the commercial nature of the Community Commercial and Moderate Commercial land use districts when built as a mixed-use development project.

Goal 10.014 is addressed by these proposed amendments that clarify and revise regulations so the Development Code may be consistent with the Comprehensive Plan.

The proposal is consistent with the applicable general goals and policies listed in this section.

2. Citizen Involvement Goals & Policies

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 5: The City shall keep citizens informed of issues confronting the City.

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

Findings

The public involvement goals and policies establish the City's intent that its citizens have opportunities throughout a planning project to be informed and to affect proposals.

The issues that have led to the proposed code amendments were identified during City-initiated scoping work begun in the spring of 2007. Since that time, City staff has led a public outreach campaign to share information with stakeholders and other interested parties:

- City staff held a community forum on September 2, 2009 on the elements from the Corridor Districts Review;
- Project information has been available on the website and at the Urban Design & Planning office.
- The askGresham tool has been used to alert interested parties when new materials are available on the website and when upcoming meetings will occur.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on August 10, September 14, September 28, 2009, and April 12, 2010.

Conclusion

Policy 1 is addressed through the on-going effort to gain input from stakeholders and the public on Development Code improvement. This includes the forum, mailings, emails, and presentations at the Planning Commission and City Council.

Policy 5 is addressed through the on-going effort to share information with stakeholders and the public on Development Code improvement. This includes the forum, mailings, emails, and presentations at the Planning Commission and City Council.

Policy 6 is addressed by posting of materials on the website and by making materials available through City staff.

The *Citizen Involvement Goal (10.100)* is met by the combination of workshops, mailings and meetings as well as providing information regarding the proposal on the City website.

The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

3. Commercial Land Use

Section 10.312 Commercial Land Use

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.

Findings

The proposed amendments address the Community Commercial (CC) and Moderate Commercial (MC) land use districts. Both districts are intended to accommodate primarily commercial uses. In the current Development Code, there are no standards that ensure these districts remain primarily commercial when they develop as mixed-use residential and commercial developments. The amendments ensure that the CC and MC will remain primarily commercial with at least 51% of ground floor area and 75% of street frontage on boulevards, arterials, and principal arterials developing in commercial uses. Not only do these standards ensure the CC and MC districts remain primarily commercial, but by allowing for mixed-use development, the Code promotes energy efficient travel by having different uses in close proximity.

Conclusion

Policy 1 is addressed by ensuring the CC and MC districts remain primarily commercial when built as a mixed-use development project.

Policy 2 is addressed by continuing to provide for the opportunity for mixed-use developments in the CC and MC districts, and allowing residential development in immediate proximity to commercial development, while ensuring that the districts are developed as primarily commercial.

The *Commercial Land Use Goal (10.312)* is met by providing standards for mixed-use development in the CC and MC districts and by maintaining the primarily commercial nature of the land use districts.

The proposal is consistent with the applicable commercial land use district goals and policies listed in this section.

4. Transit Corridor Plan Area Policies

Section 10.319.1 Transit Corridor Plan Area

Policy 2: The City will seek to create a mix of complementary land uses within easy walking distance of mixed use districts and neighborhoods along the City's transit streets.

Findings

Much of the land area is Community Commercial (CC) and Moderate Commercial (MC) districts is along the transit streets. These districts are intended for primarily commercial development, but may be built as a mixed-use development project. Mixed-use development projects may contain a variety of uses including commercial, residential, and community service uses.

Conclusion

Policy 2 is addressed by providing for a mix of uses in the CC and MC districts.

The *Transit Corridor Plan Area (10.319.1)* is met by providing the opportunity for a mix of uses in the CC and MC districts.

The proposal is consistent with the applicable transit corridor plan area policies listed in this section.

C. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (UGMFP)

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 both DLCD and Metro on March 25, 2010, which was at least 45 days prior to the first evidentiary hearing of May 10, 2010. Metro has submitted no comments or request for an analysis.

City staff did not find that any other titles of the Functional Plan were affected by the proposed amendments.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 day prior to the first evidentiary hearing and Metro has made no comments or request on the proposal.

The proposal is consistent with Title 8.

SECTION VI CONCLUSION

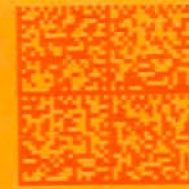
The proposed Comprehensive Plan amendments attached as Exhibit 'A' are consistent with applicable Goals and Policies of the Community Development Plan, the applicable Development Code procedures of the Community Development Plan; and applicable Metro UGMFP Code as indicated by findings contained or referenced in Section V of this report.

SECTION VII RECOMMENDATION

Staff recommends **adoption** of the proposed Comprehensive Plan Policy and Code amendments as contained in the attached Exhibit 'A'.

End of Staff Report

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