



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/22/2010

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 005-10

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: Tuesday, January 04, 2011

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: John Pettis, City of Gresham  
Gloria Gardiner, DLCD Urban Planning Specialist  
Amanda Punton, DLCD Regional Representative  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

DEC 15 2010

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Gresham**

Local file number: **CPA 10-143**

Date of Adoption: **12-7-2010**

Date Mailed: **12-14-2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9-8-10

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 the Gresham Community Development Plan to meet requirements for becoming a designated Certified Local Government to help support its historic resources preservation program, and to conform to State law and make the Development Code more user friendly.

Does the Adoption differ from proposal? Please select one

Minor clarification language; no substantive changes.

Plan Map Changed from: **NA**

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. 005-10 (18506) [16455]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:  
Metro, State Historic Preservation Office (SHPO)

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Local Contact: **John Pettis**

Phone: **(503) 618-2778** Extension:

Address: **1333 NW Eastman Parkway**

Fax Number: - -

City: **Gresham** Zip: **97030**

E-mail Address:

**john.pettis@greshamoregon.gov**

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## **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.

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

**TYPE IV RECOMMENDATION ORDER**

**CPA 10-143**

A public hearing was held on October 25, 2010, upon an application to consider proposed amendments to Volumes 1, 2 and 3 of the Gresham Community Development Plan related to the **Historic Certified Local Government (HCLG)** project.

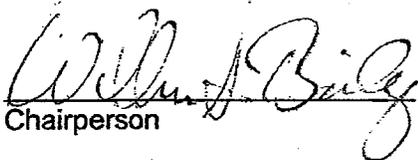
The Commission closed the public hearing at the October 25, 2010 meeting, and a final recommendation to Council was made at the October 25, 2010 meeting.

William Bailey, Chairperson, presided at the hearing.

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

The Planning Commission recommends **ADOPTION** of the proposed Community Development Plan amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the October 14, 2010 staff report with the following exceptions, additions and/or changes:

No Changes

  
Chairperson

  
Date



**MEMORANDUM**  
**URBAN DESIGN & PLANNING**

**STAFF REPORT**

**TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT**

**HISTORIC CERTIFIED LOCAL GOVERNMENT PROJECT AMENDMENTS**

**To:** Gresham Planning Commission

**From:** Mike Abbaté, Urban Design & Planning Director  
Jonathan Harker, AICP, Long Range Planning Manager  
John Pettis, Associate Comprehensive Planner

**Hearing Date:** October 25, 2010

**Report Date:** October 14, 2010

**File:** CPA 10-143

**Proposal:** To adopt comprehensive plan amendments to Volumes 1 (Findings), 2 (Policies) and 3 (Development Code) of the Gresham Community Development Plan relating to the Historic Certified Local Government Project. The purpose of these amendments is to achieve Oregon State Historic Preservation Office Certified Local Government status for the City, conform to State laws for historic preservation and make the Development Code more user friendly and effective.

**Exhibits:** 'A' – Draft amendments to Volumes 1, 2 and 3 of the Community Development Plan

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

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## **Staff Report Organization and Contents**

- Section I is an Executive Summary of the project that provides an overview of proposed Community Development Plan changes.
- 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 Statewide Planning Goals 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 Statewide Planning goals.
- Sections VI and VII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volumes 1, 2 and 3 of the Community Development Plan as well as commentary. The commentary provides additional findings for this proposal.

## **SECTION I EXECUTIVE SUMMARY**

### **Background**

The project is part of the 2010 Council Work Plan and will enable the City to become a Certified Local Government (CLG). The CLG program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by the State Historic Preservation Office (SHPO). There are about 60 CLGs in Oregon. Local governments must meet certain qualifications to become a CLG and an application for CLG status must be made to SHPO.

A benefit to becoming a CLG is to receive matching grants from SHPO. Matching grants are typically in the \$5,000 to \$20,000 range and can be used for activities such as surveys of historic properties, National Register nominations, public education activities, preservation planning, repair/rehabilitation work on National Register buildings, and training for staff and Historic Resources Subcommittee members. Another benefit of becoming a CLG is to be able to utilize the expertise and resources of National Park Service and SHPO staff. The City's match for a SHPO grant can include staff time.

CLG certification requirements include establishing a historic preservation committee, passing and enforcing a preservation ordinance, participating in the state's historic building inventory program, and reviewing and commenting on any National Register of Historic Places nominations of properties within the City. Most of these items are already in the Gresham Revised Code and Gresham Community Development Plan but some updates are needed to meet the requirements. This application updates the Gresham Community Development Plan. A separate Council process will update the Gresham Revised Code. The City's historic resources inventory, goal, policies and code were established in 1989.

The proposed amendments were developed to help meet CLG requirements, address State laws regarding historic resources and make the historic resource standards of the Development Code more user friendly and effective.

### **Proposed Comprehensive Plan Amendments Overview**

Text changes to Community Development Plan 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 the changes:

### 1. Amendments to Volume 1, Findings of Community Development Plan

The only amendment proposed to Volume 1 is to update the Historic and Cultural Landmarks List. It lists those historic resources which were found to be significant and which are protected with the Historic and Cultural Landmarks Overlay District. The updates include: deleting a resource which was destroyed in a fire; adding a resource which has been added to the National Register of Historic Places; and noting which resources are listed on the National Register.

### 2. Amendments to Volume 2, Policies of Community Development Plan

Four policies are proposed to be added to address CLG requirements. These address the need for the City to:

- Have a Historic Resource Subcommittee to advise the Planning Commission and City Council on historic resource issues.
- Obtain and maintain status as a CLG.
- Update its inventory of historic resources (sites, buildings, objects) as well as the Historic and Cultural Landmarks List as new areas are annexed or as new information becomes available regarding the historic significance of a resource.
- Support the enforcement of State laws concerning historic resources.

### 3. Amendments to Volume 3, Development Code of Community Development Plan

The following amendments are proposed to comply with applicable State laws and to make the code more user-friendly and effective:

- For compliance with State of Oregon Administrative Rules for historic resources (OAR 660-023-0200) the following amendments are proposed:
  - Adding language pertaining to property owner consent before adding a property to the Historic and Cultural Landmarks (HCL) List.
  - Adding language about if a property owner objects to his/her property being on the HCL list, the City will remove the property.
  - Deleting references to requiring the Statewide Planning Goal 5 Economic, Social, Energy and Environmental analysis to determine the level of protection for archeological resources. This is no longer required for historic resources.
  - Adding a section about public notice and other requirements for historic resource inventories.
  - Adding language that requires resources that have been added to the National Register to be added to the HCL List and protected with Gresham's Historic and Cultural Landmarks Overlay District.
  - Adding language about if a property owner requests that a property be removed from the HCL list and then applies for a building permit that would alter the exterior of the building or for a demolition permit, that the City delay issuing the permit for at least 120 days but no more than 180 days.
  - Adding language that if a property is on the National Register List, it must first be removed from that list (per SHPO/NPS procedures) before it is removed from the City's Historic and Cultural Landmarks List or before it is demolished.
- For making the Development Code more user friendly and effective, the following amendments are proposed:
  - Updating the Historic and Cultural Landmarks List, as described above, under Volume 1 amendments. The HCL List would also be added to the Historic and

Cultural Landmarks Overlay District provisions (Section 5.0300) of Volume 3 for user convenience.

- Incorporating Section A4.000 requirements into Section 5.0300. Section A4.000 primarily addresses removing and adding resources to the HCL List and Section 5.0300 addresses altering or demolishing an historic resource. There is no need to maintain two locations in the code that address historic resources.
- Definitions are proposed for Article 3, Definitions which define "Historic and Cultural Landmark", "Class 1 Historic and Cultural Landmark" and "Class 2 Historic and Cultural Landmark".

## SECTION II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

<b>Section 11.0200</b>	Classification of Applications
<b>Section 11.0600</b>	Type IV Procedure – Legislative
<b>Section 11.1100</b>	Public Hearings

## SECTION III APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

<b>Section 10.014</b>	Land Use Policies and Regulations
<b>Section 10.100</b>	Citizen Involvement
<b>Section 10.316</b>	Historic and Cultural Resources

## SECTION IV STATEWIDE PLANNING GOALS

<b>Goal 5</b>	Natural Resources, Scenic and Historic Areas, and Open Spaces
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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 as indicated in the following findings.

### A. COMMUNITY DEVELOPMENT CODE PROCEDURES

1. **Section 11.0200 – Initiation and Classification of Applications.** 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 11.0600 - Type IV Legislative Procedures.** This section requires the Planning Commission to hold a public hearing and make a recommendation to the Council. The Council holds another public hearing and makes a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission and Council 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 11.1000 – 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 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 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.*

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

#### Findings

These general Goal and Policies establish the City's intent to use its Comprehensive Plan (Gresham Community Development Plan [GCDFP]) as the basis for appropriate planning processes and resulting land use plans. The above goal and applicable policies are met as follows:

Policy 21: The proposed amendments were requested by the Gresham City Council to help attain the goal of becoming a Certified Local Government. The City Council initiated the project on Dec. 15, 2009, by adopting it in its 2010 Work Plan.

Goal, Policies 1 & 20: Although there are no regional (Metro) requirements regarding historic resources, there are certain State laws that need to be addressed by the Development Code. In addition to CLG compliance, these amendments will update the code to comply with these requirements. Adopting the amendments will serve the interests of the City by having legally defensible regulations, by enabling the

City to achieve CLG status so it can access resources that will help support its historic preservation program and by having an updated and more user friendly code.

Policy 2: The proposed amendments are consistent with and implement the applicable goals and policies of the Comprehensive Plan, as described Section V.B of this staff report.

Policy 23: These proposed amendments have been reviewed by State Historic Preservation Office (SHPO) staff who will review Gresham's CLG application. Their recommendations have been incorporated as noted in the commentary section of attached Exhibit A.

#### Conclusion

The proposed amendments are part of the Historic Certified Local Government Project, which was initiated by Council as part of its 2010 Work Plan. They conform to State law and Gresham's Community Development Plan, as described in Sections II, III, IV and V of this staff report.

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.*

*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 decisions.*

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

*Policy 11: The City shall ensure that the public has complete and timely access to all public information concerning land use projects and issues. This includes private development proposals once they are in the formal application process.*

### Findings

The 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 key part of involving citizens in this project is coordination with the Historic Resources Subcommittee (HRS). The HRS is a group of citizens that advises the Planning Commission and City Council on historic preservation issues. It has been a strong advocate of the City becoming a Certified Local Government. The subcommittee has been involved throughout this project including during the identification of issues, developing approaches for dealing with them and reviewing the draft code amendments. Their suggestions have been incorporated as described in the commentary section of attached Exhibit A.

The following measures were taken to inform citizens and involve them in this project:

- Historic Resource Subcommittee meetings: 6/02/10, 7/07/10, 8/04/10
- Planning Commission work sessions: 7/12/10, 8/09/10
- City Council work session: 9/21/10

- Development Group presentation: 6/24/10
- Neighborhood Connections article: 6/16/10
- HRS reception/presentation for historic resource property owners: 8/18/10
- Community Forum: 8/19/10
- A web page and information flyer were created for this project
- An Ask Gresham interested parties list has been created

### Conclusion

The Citizen Involvement Goal and its policies are met by the combination of HRS meetings, Planning Commission work sessions, presentations to Development Group and HR property owners, a community forum for interested public, a Neighborhood Connections article, as well as providing information on the proposal on the City's Web site.

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

### **3. Historic Resources Goal and Policies**

#### Section 10.316 – City of Gresham's Historic Resources

*Goal: Protect and preserve Gresham's historic, archeological and cultural resources.*

*Policy 1: The City shall adopt and maintain an inventory of historic and cultural landmarks to promote and maintain preservation of Gresham's historic and cultural heritage.*

### Findings

Goal: The proposed amendments support this goal by enabling Gresham to become a Certified Local Government. This designation will allow the City to apply for grants that will directly support its historic preservation program. The grants can be used for activities such as doing historical research/inventories, developing National Register applications, rehabilitating/repairing historic buildings, increasing public awareness of Gresham's historic resources and training staff and HRS members in historic preservation subjects. Therefore adopting these amendments will help the City carry out its goal of protecting and preserving historic resources.

Policy 1: Several proposed amendments address maintaining and keeping current the historic resources inventory and the Historic and Cultural Landmarks List:

- Proposed Policy # 6 (Volume 2 of Plan) requires the City to update its inventory of historic resources and the Historic and Cultural Landmarks List as new areas are annexed into the City and as new information becomes available that would make a resource considered non-significant to be significant and worthy of protection.
- Proposed Section 5.0329 of the Historic and Cultural Landmarks Overlay District (Volume 3 of Plan) adds a number of requirements regarding historic resources inventories. These include keeping the inventory, including survey sheets, periodically updated as needed. Also before an inventory begins, a public notice in the newspaper is required that announces the inventory and invites public participation. This will increase the likelihood of people who are knowledgeable about the local history of area to be involved and who may be able to offer information about individual properties.

### Conclusion

The Historical Resource Goal is supported by the proposed amendments because it will enable the City to attain CLG status which in turn will provide additional resources to support its historic preservation program. Policy 1 is met because the amendments will add requirements for keeping the City's inventory of historic resources and the Historic and Cultural Landmarks List updated.

## C. STATEWIDE PLANNING GOALS

This section identifies applicable Statewide Planning goals for this Comprehensive Plan Amendment.

### **Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

#### Findings

Statewide Planning Goal 5 requires local governments to inventory and protect natural resources and conserve scenic and historic areas and open spaces.

Oregon Administrative Rules (OARs) interpret and implement State laws and policies such as the Statewide Planning Goals. OAR 660-023-0200 is that part of the Goal 5 OARs which apply to historic resources. It has six requirements that must be addressed in the Development Code. The following lists these requirements and describes how they are addressed by the proposed amendments:

1. *Local governments shall provide broad public notice prior to the collection of information about historic resources. Local governments shall notify landowners about opportunities to participate in the inventory process. Local governments may delegate the determination of significant historic sites to a local planning commission or historic resources commission. The determination of significance should be based on the National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.*

Gresham's Development Code does not address the inventory process that collects information about historic resources and the need to inform the general public/property owners. It does address the other parts of this OAR because the City has the Historic Resources Subcommittee that determines the historic significance of structures and properties and because the historical significance criteria in the Development Code are essentially the same as the federal criteria.

**Proposed Amendment:** New Section 5.0329 adds requirements for conducting an inventory of historic resources. Among them is paragraph 'A' which requires the City to put a notice about the inventory in the local newspaper before it begins and which invites public participation.

2. *Local governments shall adopt or amend the list of significant historic resource sites (i.e., "designate" such sites) as a land use regulation. Local governments shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and shall not include a site on a list of significant historic resources if the owner of the property objects to its designation.*

Development Code has criteria and procedures for adding an historic resource to the Inventory of Historic and Cultural Landmarks list. This requires a development permit under the Type IV procedure. However, there is no requirement for the City to not add a site to the list if the property owner objects to its designation.

**Proposed Amendment:** Amended Section 5.0326.E will state that a property will not be added to the HCL list if the property owner objects to its designation.

3. *The local government shall allow a property owner to remove from the property an historic property designation that was imposed on the property by the local government.*

The Development Code addresses removing a property from the Inventory of Historic and Cultural Landmarks list. These are processed under the Type II development permit procedure. There is no requirement in the language that requires the City to remove a property from the list if the property owner asks for the designation to be removed.

**Proposed Amendment:** Amended Section 5.0327.A will require the City to remove a property from the Inventory of Historic and Cultural Landmarks list if a property owner submits a written request to do so. The Manager would amend the list under the Type 1 procedure.

4. *Local governments are not required to apply the ESEE process in order to determine a program to protect historic resources.*

When the City historic resources program was established in 1989, an analysis was made of the effect of including or not including a site on the Historic and Cultural Landmarks list. The analysis addressed environmental, social, economic and energy (ESEE) issues. This is no longer a requirement.

**Proposed Amendment:** Amended Section 5.0324 deletes the requirement for doing an ESEE analysis.

5. *Local governments shall protect all historic resources of statewide significance through local historic protection regulations, regardless of whether these resources are "designated" in the local plan.*

The State defines "historic resources of statewide significance" as those resources that are listed on the National Register of Historic Places. Protecting these resources with Gresham's standards is not currently addressed by the Development Code.

**Proposed Amendment:** New subsection 5.0326.F requires properties which are placed on the National Register to be also added to the Inventory of Historic and Cultural Landmarks list for local protection. This is to be done administratively by the Manager under the Type I procedure.

6. *A local government shall not issue a permit for demolition or modification of a historic resource described under subsection (6) of this rule for at least 120 days from the date a property owner requests removal of historic resource designation from the property.*

This requirement is referring to when a property owner requests his/her property be removed from the Inventory of Historic and Cultural Landmarks list and then applies for either a demolition permit or a building permit that would alter the exterior of a building. The Historic Resource and Cultural Landmarks Overlay District does not address these provisions. Currently, the Development Code states that the City may approve a demolition permit for a historic resource, approve it with modifications or delay its issuance for up to 180 days.

**Proposed Amendment:** New subsections 5.0321.B and 5.0322.B require a delay of at least 120 days, but no greater than 180 days, before the City can issue a demolition permit, or a building permit for exterior alterations, from the time a property owner requests that the building be removed from the Historic and Cultural Landmarks list.

#### Conclusion

The proposed amendments will make the code comply with Statewide Planning Goal 5.

## **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 the Statewide Planning Goals as indicated by findings contained or referenced in Section V of this report.

## **SECTION VII RECOMMENDATION**

Staff recommends **adoption** of the proposed Comprehensive Plan Code amendments as contained in the attached Exhibit 'A' to the City Council.

*End of Staff Report*



## MEMORANDUM

### URBAN DESIGN & PLANNING Comprehensive Planning

#### ADDENDUM STAFF REPORT TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENTS HISTORIC CERTIFIED LOCAL GOVERNMENT PROJECT

To: Mayor Bemis and Members of the Council

From: Mike Abbaté, Urban Design & Planning Director  
Jonathan Harker, Long Range Planning Manager  
John Pettis, Associate Planner

Hearing Date: November 16, 2010

Report Date: October 29, 2010

File: CPA 10-143

At the October 25, 2010 Planning Commission hearing, Planning Commission Chair Bailey raised a question about the demolition/building permit delay provisions of Sections 5.0321B and 5.0322B of Council Bill 14-10. These sections are intended to require delay of at least 120 days before a building permit or demolition permit can issued in the situation where a property owner had previously requested that the property be removed from the Historic and Cultural Landmarks list and it has been removed. This minimum 120 day delay provision is required by State laws concerning historic resources. The purpose of the delay is to allow an opportunity for someone to buy and preserve an historic property before it is altered or demolished.

The Planning Commissioner was concerned that the language of the two sections could be construed as saying that the 120 delay was starting from the request to remove the resource from the List rather than from the date a permit was requested. Staff responded that the removal from the List was a separate action and that the intent was that the delay was from the date of building permit request. The Planning Commission made no changes.

#### **Findings:**

Following meeting staff reviewed the code sections and determined that could be better written to show the intent that the 120 day minimum delay begins at the date of building permit request. Starting the 120 minimum delay from the date of request to remove from the List would negate the purpose of the delay. On the other hand, beginning the delay from the time a building/demolition permit is submitted would allow an opportunity for new ownership when there is a large time period between removing a building from the HCL List and applying for a building/demolition permit. This approach complies with State law.

**Recommendation:**

In response to the Planning Commission concern, staff recommends the following changes to Sections 5.0321B and 5.0322B based on the findings and recommendations of this Addendum Staff Report. These changes are reflected in the proposed CB 14-10:

5.0321B (new language is double underlined, proposed deleted language is ~~stricken~~)

If a property owner has submitted a written request to remove a structure from the Historic and Cultural Landmarks List, per **Section 5.0327.A**, and then submits a building permit application to alter the exterior of the structure, the City shall approve the permit but delay its issuance for at least 120 days but no longer than 180 days from the ~~date removal from the List was requested~~ building permit application submittal date. The City shall place a notice in the local newspaper about the proposal and permit delay by the second week of the delay period.

5.0322B (new language is double underlined, proposed deleted language is ~~stricken~~)

If a property owner has submitted a written request to remove a building from the Historic and Cultural Landmarks List, per **Section 5.0327.A**, and then submits a demolition permit application for the building, the City shall approve the permit but delay its issuance for at least 120 days but no longer than 180 days from the ~~time removal from the List was requested~~ demolition permit application submittal date. The City shall place a notice in the local newspaper about the proposal and permit delay by the second week of the delay period.

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

CB 14-10

ORDINANCE NO. 1696

AMENDMENTS TO VOLUME 1, FINDINGS, VOLUME 2, POLICIES AND  
VOLUME 3, DEVELOPMENT CODE OF THE GRESHAM COMMUNITY  
DEVELOPMENT PLAN, REGARDING THE HISTORIC CERTIFIED LOCAL  
GOVERNMENT PROJECT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Volume 3, Development Code, Article 3 Definitions is amended as follows:

**3.0010 General Terms and Definitions**

Historic and Cultural Landmark. A site, building, structure, district or object found to be of historic significance because it meets the criteria in the Community Development Code for being added to the Historic and Cultural Landmarks List. These include being associated with a significant historical person or a significant past event; having distinctive architectural features representative of an architectural period or a method/type of construction; or likely to yield information important in prehistory or history.

Class 1 Historic and Cultural Landmarks. These are the most significant historic resources (site, building, structure, district or object) found on the Historic and Cultural Landmarks List and include all resources that are listed on the National Register of Historic Places. The exteriors of Class 1 Landmark buildings have been relatively unaltered since the time they were built and closely resemble their historic appearance.

Class 2 Historic and Cultural Landmarks. These are historic resources (site, building, structure, district or object) found on the Historic and Cultural Landmarks List that are of lesser significance than Class 1 Historic and Cultural Landmarks but are still of considerable value to the community because of their age or architecture. In general, the exterior appearance of Class 2 Landmark buildings have been altered to a greater degree than Class 1 Landmarks since the time they were built.

\*\*\*\*\*

Section 2. Volume 3, Development Code, Section 5.0300 Historic and Cultural Landmarks Overlay District is amended as follows:

**5.0301 Introductory Provisions**

The purpose of the Historic and Cultural Landmarks Overlay District is to identify resources which have been designated as landmarks ~~in~~ on the ~~Inventory~~ of Historic and Cultural Landmarks List, adopted as an appendix to the Community Development Plan. Parcels on which ~~an inventory~~ a landmark is located shall be designated HL on the Community Development Special Purpose District Map. It is also the purpose of this district to regulate certain actions affecting these landmarks with the intent of substantially protecting and preserving those characteristics which make the landmark a visible link to

the heritage of the community and enhance the quality of life for all residents of Gresham. It is also the purpose of this section to have a process for adding and removing a landmark to/from the Historic and Cultural Landmarks List.

### **5.0321 Review of Proposed Alterations Affecting the Exterior Appearance of Landmarks**

**A.** Prior to issuance of a building permit for proposed alterations affecting the exterior appearance of a Class 1 landmark, the Historic Resources Subcommittee Advisory Committee and the hearing body under the Type III procedure shall review the proposal and act to approve, approve with modifications, or prohibit the proposed alteration. However, reconstruction of a Class 1 landmark which has been accidentally damaged or destroyed may be permitted by the Manager without review by the Committee or the hearing body when plans submitted by the owner clearly indicate that the structure will be reconstructed to match its appearance prior to the accident. A proposed alteration shall be approved or approved with modifications only upon finding conformance with the following standards:

- ~~A.1.~~ The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships shall be avoided.
- ~~B.2.~~ A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- ~~C.3.~~ Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- ~~D.4.~~ Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- ~~E.5.~~ Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- ~~F.6.~~ New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- ~~G.7.~~ New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- ~~H.8.~~ Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- ~~I. 9.~~ A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- ~~J.10.~~ Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

**B.** If a property owner has submitted a written request to remove a structure from the Historic and Cultural Landmarks List, per Section 5.0327.A, and then submits a building permit application to alter the exterior of the structure, the City shall approve the permit but delay its issuance for at least 120 days but no longer than 180 days from the building permit application submittal date. The City shall place a notice in the local newspaper about the proposal and permit delay by the second week of the delay period.

### 5.0322 Review of Proposed Demolition of Landmark Buildings

- A. Prior to the issuance of a demolition permit for a Class 1 or Class 2 landmark building, the Historic Resources ~~Subcommittee Advisory Committee~~ and the hearing body under the Type III procedure shall review the proposal and act to approve, approve with modifications, or delay the proposed demolition for a period of up to 180 days from the time of the Subcommittee's ~~Committee's~~ initial consideration of the proposal. In delaying issuance of a demolition permit, it must be found that such delay would result in a genuine effort which would have a reasonable chance of success to preserve the building, and that:
1. The resource is of such architectural, historic, or scenic interest that its demolition would be detrimental to the public interest; or
  2. The resource is of such interest or significance that it is or could be included in the National Register of Historic Places; or
  3. The resource has such unusual design, texture, or material characteristics that it could not be reproduced, or could be reproduced only with great difficulty or expense; or
  4. Retention of the resource would aid substantially in the preservation of another landmark resource or in preservation of the character of the adjacent area.
- B. If a property owner has submitted a written request to remove a building from the Historic and Cultural Landmarks List, per Section 5.0327.A, and then submits a demolition permit application for the building, the City shall approve the permit but delay its issuance for at least 120 days but no longer than 180 days from the demolition permit application submittal date. The City shall place a notice in the local newspaper about the proposal and permit delay by the second week of the delay period.
- ~~B.C.~~ When action is taken to approve a proposed demolition as proposed or as modified, under Section 5.0322(A), a demolition permit shall be withheld pending expiration of the appeal period specified in Section 11.1100.
- D. If a resource is on the National Register List, it must first be removed from that list, administered by the State Historic Preservation Office, before a demolition permit is issued.

### 5.0323 Review of Proposed Actions Affecting Landmark Objects

Proposed alterations affecting a non-building landmark, such as a monument, mile-post, or other object, shall be submitted to the Historic Resources ~~Subcommittee Advisory Committee~~ and the hearing body for review and approval prior to such alteration, pursuant to Section 5.0321 A4.003. In addition to alterations and actions requiring a building permit, provisions of this section shall apply to proposals to remove, relocate, or otherwise alter the outward appearance of the object. A decision on a proposed alteration or other action affecting a landmark object shall be based on the following criteria:

- (A) Whenever possible, the object shall remain on the same parcel where it was located at the time of its designation as a landmark; relocation to another parcel may be permitted when reliable evidence is submitted indicating that the object's original location was on a parcel other than its current location.
- (B) Alterations or other actions which maintain or increase the visibility of the object shall be encouraged.

## 5.0324 Discovery of Archaeological Objects and Sites North of Interstate 84

- E. Based on responses received from the notice required by **Section 5.0324(C)**, the Manager may require that the owner retain the services of a qualified archaeologist to investigate the site, and prepare a report concerning the nature and significance of the site and any objects discovered. Pending completion of this investigation and report, all development activity on the site shall be suspended, provided such suspension shall not exceed a period of 30 days from the date a qualified archaeologist is engaged to conduct the investigation and prepare the report. When required, an archaeologist's report shall include the following items:
1. A description of the nature and significance of artifacts or other evidence of prehistoric activities discovered on the site, approximate boundaries of the archaeological site, and an analysis of the quality and quantity of the site and objects discovered.
  - ~~2. An analysis of conflicting uses and the economic, social, environmental, and economic (ESEE) consequences of protecting the archaeological site, allowing conflicting uses fully, or limiting conflicting uses, in conformance with OAR 660-016-0005.~~
  - ~~3~~ 2. Recommendations as to whether the pending development activity should proceed as proposed, or proceed with limitations or modifications, or be discontinued.
- F. If the Manager finds, based on evidence presented in the archaeologist's report, that the archaeological site lacks significance ~~or that protection of the site is not warranted based on the ESEE analysis~~, the Manager shall permit the suspended development activity to resume in conformance with development permits issued by the City, and subject to conformance with applicable state statutes regarding archaeological sites and objects.
- G. If the Manager determines, based on evidence presented in the archaeologist's report, that the archaeological site is significant and that some degree of protection is warranted, ~~based on the ESEE analysis~~, the Manager shall make findings as to measures which may be required to reduce or eliminate adverse impacts to the archaeological site, and may require issuance of an amended development permit prior to the resumption of development activity on the site. Such measures may include any of the following alternatives:
1. Redesigning the proposed development so it would avoid the archaeological site;
  2. Leaving the archaeological site in its natural condition;
  3. Burial or other non-destructive covering of the archaeological site.
- H. An application for an amended development permit which may be required under **Section 5.0324** shall be submitted and processed under the same procedure as for the development activity which was in progress at the time of discovery of the archaeological site or object.
- I. When the Manager determines that an archaeological site is significant, pursuant to **Section 5.0324**, the Manager shall propose amendment of the ~~Inventory~~ of Historic and Cultural Landmarks List and the Community Development Special Purpose District Map to include a description of the site ~~and the ESEE analysis in the Inventory~~ and to designate the site as a Historic and Cultural Landmarks special purpose district. Such proposal shall be processed as a Type IV procedure, and pursuant to provisions of **Section 5.0326** ~~A4.002~~.

## ~~A4.001~~ **5.0325** Criteria for Designation of Historic and Cultural Landmarks

The Historic Resources ~~Subcommittee~~ ~~Committee~~ may recommend to the council the designation of resources as historic or cultural landmarks. Resources designated as landmarks shall be included in the ~~Inventory~~ of Historic and Cultural Landmarks List, adopted as an appendix to the Gresham Community Development Code, and shall be indicated on the Community Development Plan Map with an HCL

overlay district designation. A resource may be designated a historic or cultural landmark upon finding that at least one of the following criteria is satisfied:

- A. The resource possesses significance in the history of Gresham, Multnomah County, the State of Oregon, or the nation as evidenced by:
  - 1. Association with the lives of persons holding a significant place in the history of the community; or
  - 2. Association with significant past events, trends, or values that may be either cultural, economic, social, or political.
- B. The resource possesses architectural significance as evidenced by:
  - 1. Embodiment of the distinctive characteristics of a type, period, or method of construction; or
  - 2. Development of the resource early in the sequence of local history; or
  - 3. Rarity of the resource type in the area; or
  - 4. Retention of the integrity of the original design of the resource.
- C. The resource is representative of the work of a designer, architect, or master builder who influenced the development and appearance of Gresham, the State or Oregon, or the nation.
- D. The resource has yielded, or may be likely to yield, information important in prehistory or history.

~~A4.002~~ **5.0326 Procedure for Designation as a Historic or Cultural Landmark**

- A. Designation of a site, structure, or object as a historic or cultural landmark may be proposed by the owner, by the Historic Resources Subcommittee ~~Committee~~, by the planning commission, or by the council. A proposal for landmark designation shall first be considered by the Subcommittee ~~Committee~~. The Committee shall recommend approval, or approval with modifications, or denial of the proposed landmarks designation, and shall make its recommendation based on findings made in response to the criteria of **Section 5.0325** ~~A4.001~~. The recommendation and all findings shall be transmitted to the City Council and the proposal shall be processed under the Type IV procedure.
- B. In acting to approve or approve with modifications a proposed landmarks designation, findings shall be made as to the location and quality of the resource and conflicting uses that might affect the resource. Based on such consideration, the council shall act to include the resource ~~in~~ on the ~~Inventory~~ Historic and Cultural Landmarks List as a Class 1 or a Class 2 landmark.
- C. When designation of a Class 1 or Class 2 landmark occurs by action of the council, the parcel on which the landmark is located shall be indicated on the Community Development Plan Map as being in the HL district. However, for purposes of applying provisions of **Sections 5.0321, 5.0322, and 5.0323** of the Community Development Code only the specific site, structure or object designated ~~in~~ on the ~~List~~ Inventory shall be considered to be the landmark, and other structures, uses and improvements on the parcel shall not be subject to those provisions.
- D. The City shall notify property owners at three year intervals by first class mail of the existence of a Class I or Class II landmark on their property. The notice shall include a copy of the landmark regulations.
- E. If during the procedure for adding a property to the Historic and Cultural Landmarks List, the property owner submits oral or written testimony in the record objecting to its addition, it shall not be added to the List.

F. Properties that have been placed on the National Register of Historic Places shall be added to the Historic and Cultural Landmarks List and protected with the Historic and Cultural Landmarks Overlay District. This shall be done by the Manager under the Type I development permit procedure. Findings pursuant to the criteria of Section 5.0325 are not necessary.

**A4.004 5.0327 Procedure for a Change in Status or for Removal of Historic or Cultural Landmark Designation**

- A. Removal of landmark designation from a landmark resource or a change in the status of a landmark as a Class 1 or Class 2 landmark may be proposed by the owner of the landmark, by the Historic Resources Subcommittee Committee, by the planning commission, or by the council. Other than property owner initiated removal requests, the proposal will be provided to the Subcommittee Committee. The Committee Subcommittee may recommend approval, or approval with modifications, or denial of the proposed removal of landmark designation or change in status, and shall make its recommendation based on findings made in response to the criteria of **Section 5.0325 A4.001**. The proposal shall be processed under the Type II procedure. If the property owner wishes to have a landmark designation removed, the Manager shall remove the designation under the Type I development permit procedure, without making findings under Section 5.0325.
- B. In acting to approve or approve with modifications a proposal for removal of landmark designation or for a change in status, findings shall be made as to the quality of the resource and its continued eligibility due to compliance with the criteria of **Section 5.0325 A4.001**. Based on such consideration, action shall be taken to remove entirely or in part landmark designation from the resource, or to change the status of the landmark as a Class 1 or a Class 2 landmark.
- C. When landmark designation is removed from a resource, or a landmark's status is changed as a Class 1 or Class 2 landmark, the Community Development Plan Map and the Inventory of Historic and Cultural Landmarks List shall be revised accordingly.
- D. Notwithstanding the requirements of 5.0327.A, if a landmark resource is also on the National Register of Historic Places List, it must first be removed from that list, administered by the State Historic Preservation Office, before it's landmark designation is removed.

**A4.003 5.0328 Review Procedure for of Proposed Alterations or Demolition Affecting a Landmark**

An application for a building permit for work that would affect the exterior appearance of a Class 1 landmark, or an application for a demolition permit affecting a Class 1 or a Class 2 landmark, shall be reviewed by the Committee and by the Hearings Officer. The Committee shall act to recommend approval, or approval with modifications, or denial of the proposed action, and shall make its recommendation based on findings made in response to the criteria of Sections 5.0321 or 5.0322 or 5.0323 of the Community Development Code. The recommendation and all findings shall be transmitted to the Hearings Officer and the proposal shall be processed under the Type III procedure.

**5.0329 Requirements for Historic Resources Inventory**

The Historic Resources Inventory Report (1987) lists, describes and determines the historical significance of 238 sites, buildings and objects within the City. A number of these resources were found to be significant. These were placed on the Historic and Cultural Landmarks List and protected with the Historic and Cultural Landmarks Overlay District. The following requirements apply to inventories of historic resources:

- A Before the City commences future inventory studies/updates, it shall provide a public notice describing the inventory, its purposes and invite public participation, especially from property owners in the area affected by the inventory. The notice shall be published in the local newspaper at least 10 days before the inventory begins.
- B Inventory documents, including survey sheets, shall be maintained, periodically updated as needed, and open to the public for viewing.
- C Inventory documents and processes shall be compatible with the practices of the State Historic Preservation Office for maintaining the Oregon Inventory of Historic Sites.
- D Records concerning archeological sites shall not be made available to the public, except to the extent necessary to comply with State open records laws.
- E Properties listed in the inventory are not subject to the standards of the Historic and Cultural Landmarks District unless they are also listed on the Historic and Cultural Landmarks List.

**5.0330 Historic and Cultural Landmarks List**

Table 5.0330 lists those historic resources that have been found to be significant and which are protected with the Historic and Cultural Landmarks Overlay District.

**Table 5.0330  
INVENTORY OF HISTORIC AND CULTURAL LANDMARKS LIST**

**Class 1 Landmarks**

No.	Address	Name	Points	Use	District National Register
1	17111 NE Sandy	Zimmerman House	100	Institutional	BP <u>Yes</u>
2	410 N. Main	Carnegie Library	95	Institutional	CUC <u>Yes</u>
3	1304 E. Powell	William Gedamke House	90	Commercial	DC-2 <u>Yes</u>
4	722 NE 162nd	The Louise Home	90	Institutional	LDR <u>Yes</u>
5	1420 SE Roberts	Witter (Stallard) Residence <u>Anderson House</u>	85	Residential	LDR <u>Yes</u>
6	3680 SW Towle	Heiney House	85	Residential	LDR
7	401 S. Main <u>765 SW Walters Rd.</u>	1st Bethel Baptist Church <u>Olson, Charles &amp; Fae House</u>	<del>80</del>	Institutional <u>Residential</u>	CUC <u>Yes</u>
8	938 SE Roberts	Bernard Witter Residence	85	Residential	LDR
9	330 W. Powell	W. Gresham Grade School	80	Institutional	CUC
10	140 SE Roberts	Rev. Thompson Resid.	80	Residential	LDR
11	1325 W. Powell	J. R. Elkhorn Ranch	75	Residential	LDR
12	2415 SE Ambleside	Ambleside House	90	Residential	LDR
13	43 NW Ava	W. K. Hamilton Residence	70	Residential	DR-12
14	307 NE Kelly	Freeman Property	75	Residential	CUC
15	1229 W. Powell	Dr. Hughes Residence	65	Residential	LDR <u>Yes</u>
16	1265 SE Roberts	Judge Stapleton House	80	Residential	LDR

17	3655 SE Powell	Peterson Residence	80	Residential	LDR
18	611 NW Wallula	Fred Honey House	75	Residential	LDR
19	31 NW 11th	Lunceford Residence	80	Residential	LDR
20	53 NW 12th	Walker Residence	80	Residential	LDR
21	54 NW 12th	Aldrich/Bliss House	80	Residential	LDR
22	1801 NE 201st	Lowitt Estate	70	Residential	MDR-24
23	2202 SW Pleasant View	Giese House, Workshop & Cellar	50	Residential	LDR
24	720 NW Division	VanDoninck House		Residential	TLDR
25	42 NW Wilson Avenue	Moen House		Residential	LDR-5

**Class 2 Landmarks**

No.	Address	Name	Points	Use	<del>District</del> <u>National Register</u>
26	103 W. Powell	US Post Office	85	Institutional	CUC
27	122 N. Main	Duane C. Ely Building	75	Commercial	CUC
28	58 W. Powell	Gresham <u>Masonic</u> Lodge #152	75	Institutional	CUC
29	19720 SE Stark	11-Mile marker	75	Object	GC
30	23500 SE Stark	13-Mile Marker	75	Object	GC
31	25700 SE Stark	14-Mile Marker	75	Object	LDR
32	I-84 & NE 169th	Pioneer Grave	75	Object	BP
33	18706 E. Burnside	Satellite Restaurant <u>Sign</u>	70	<u>Object</u> Commercial	TD
34	101-117 N. Main	Congdon Building	60	Commercial	CUC

Source: Gresham Historic and Cultural Resources Inventory (1990), 93-32-CPA, and Gresham Comprehensive Plan Map

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**Section 3. Volume 3, Development Code, Appendix 4.000 Historic and Cultural Landmarks is amended as follows:**

Delete Appendix 4.000, Historic and Cultural Landmarks.

**Section 4. Volume 2, Policies, Section 10.316 Historic and Cultural Resources is amended as follows:**

**Figure 1**  
**~~INVENTORY OF~~ HISTORIC AND CULTURAL LANDMARKS LIST**

**Class 1 Landmarks**

No.	Address	Name	Points	Use	<del>District</del> <u>National Register</u>
1	17111 NE Sandy	Zimmerman House	100	Institutional	BP <u>Yes</u>

2	410 N. Main	Carnegie Library	95	Institutional	CUC <u>Yes</u>
3	1304 E. Powell	William Gedamke House	90	Commercial	<del>DC-2</del> <u>Yes</u>
4	722 NE 162nd	The Louise Home	90	Institutional	LDR <u>Yes</u>
5	1420 SE Roberts	<del>Witter (Stallard) Residence</del> <u>Anderson House</u>	85	Residential	LDR <u>Yes</u>
6	3680 SW Towle	Heiney House	85	Residential	LDR
7	<del>101 S. Main</del> <u>765 SW Walters Rd.</u>	<del>1st Bethel Baptist Church</del> <u>Olson, Charles &amp; Fae House</u>	<del>80</del>	<del>Institutional</del> <u>Residential</u>	CUC <u>Yes</u>
8	938 SE Roberts	Bernard Witter Residence	85	Residential	LDR
9	330 W. Powell	W. Gresham Grade School	80	Institutional	CUC
10	140 SE Roberts	Rev. Thompson Resid.	80	Residential	LDR
11	1325 W. Powell	J. R. Elkhorn Ranch	75	Residential	LDR
12	2415 SE Ambleside	Ambleside House	90	Residential	LDR
13	43 NW Ava	W. K. Hamilton Residence	70	Residential	<del>DR-12</del>
14	307 NE Kelly	Freeman Property	75	Residential	CUC
15	1229 W. Powell	Dr. Hughes Residence	65	Residential	LDR <u>Yes</u>
16	1265 SE Roberts	Judge Stapleton House	80	Residential	LDR
17	3655 SE Powell	Peterson Residence	80	Residential	LDR
18	611 NW Wallula	Fred Honey House	75	Residential	LDR
19	31 NW 11th	Lunceford Residence	80	Residential	LDR
20	53 NW 12th	Walker Residence	80	Residential	LDR
21	54 NW 12th	Aldrich/Bliss House	80	Residential	LDR
22	1801 NE 201st	Lowitt Estate	70	Residential	<del>MDR-24</del>
23	2202 SW Pleasant View	Giese House, Workshop & Cellar	50	Residential	LDR
24	720 NW Division	VanDoninck House		Residential	<del>FLDR</del>
25	42 NW Wilson Avenue	Moen House		Residential	<del>LDR-5</del>

#### Class 2 Landmarks

No.	Address	Name	Points	Use	<u>District</u> <u>National</u> <u>Register</u>
26	103 W. Powell	US Post Office	85	Institutional	CUC
27	122 N. Main	Duane C. Ely Building	75	Commercial	CUC
28	58 W. Powell	Gresham <u>Masonic</u> Lodge #152	75	Institutional	CUC
29	19720 SE Stark	11-Mile marker	75	Object	GC
30	23500 SE Stark	13-Mile Marker	75	Object	GC
31	25700 SE Stark	14-Mile Marker	75	Object	LDR
32	I-84 & NE 169th	Pioneer Grave	75	Object	BP
33	18706 E. Burnside	Satellite Restaurant <u>Sign</u>	70	<u>Object</u> <del>Commercial</del>	<del>FD</del>
34	101-117 N. Main	Congdon Building	60	Commercial	CUC

Source: Gresham Historic and Cultural Resources Inventory (1990), 93-32-CPA, and Gresham Comprehensive Plan Map

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**HISTORIC AND CULTURAL RESOURCES  
GOAL, POLICIES AND ACTION MEASURES**

**GOAL**

Protect and preserve Gresham's historic, archaeological and cultural resources.

**POLICIES**

1. The City shall adopt and maintain an inventory of historic and cultural landmarks to promote and maintain preservation of Gresham's historic and cultural heritage.
2. The City shall provide landmark resources reasonable protection from inappropriate exterior alterations and untimely demolition.
3. The City shall require that it and appropriate others (State Historic Preservation Office (SHPO), Commission on Indian Affairs, Native American Tribes, etc.) be notified of the discovery of archaeological sites.
4. The City shall maintain the Historic Resources Subcommittee to advise the Planning Commission and City Council regarding historic and cultural resource issues and to actively promote preservation of Gresham's historic and cultural heritage.
5. The City shall acquire and maintain Certified Local Government status to help support its historic preservation program.
6. The City shall update its inventory of historic resources and the Historic and Cultural Landmarks List as new areas are annexed into the City and as new historic information becomes available that would make a resource considered non-significant to be significant and worthy of protection.
7. The City shall support enforcement of State laws concerning historic resources (owner consent requirements, etc.).

**ACTION MEASURES**

1. Apply and maintain a "Historic and Cultural Landmarks" overlay district to protect properties listed on the City's ~~inventory of historic and cultural landmarks~~ Historic and Cultural Landmarks List.
2. Encourage public knowledge and appreciation of Gresham's unique history and culture through actions and programs such as informative publications, workshops and other events with historic and cultural themes.
3. Periodically update Gresham's "~~Inventory of Historic and Cultural Landmarks~~ List" to assure it accurately reflects all eligible properties including listing all properties on the National Register of Historic Places.

4. Develop a process to add qualified sites and structures to Gresham's Historic and Cultural Landmarks List Inventory that are brought into the City through annexation.
5. ~~Maintain a Historic Advisory Committee to advise the City Council regarding historic and cultural resource issues and to actively promote preservation of Gresham's historic and cultural heritage.~~

**Section 5. Volume 1, Findings, Section 3.142, Historic Resources is amended as follows:**

**Figure 3-10**

**INVENTORY OF HISTORIC AND CULTURAL LANDMARKS LIST**

**Class 1 Landmarks**

No.	Address	Name	Points	Use	District National Register
1	17111 NE Sandy	Zimmerman House	100	Institutional	BP <u>Yes</u>
2	410 N. Main	Carnegie Library	95	Institutional	CUC <u>Yes</u>
3	1304 E. Powell	William Gedamke House	90	Commercial	DC-2 <u>Yes</u>
4	722 NE 162nd	The Louise Home	90	Institutional	LDR <u>Yes</u>
5	1420 SE Roberts	<del>Witter (Stallard) Residence</del> <u>Anderson House</u>	85	Residential	LDR <u>Yes</u>
6	3680 SW Towle	Heiney House	85	Residential	LDR
7	<del>101 S. Main</del> <u>765 SW Walters Rd</u>	<del>1st Bethel Baptist Church</del> <u>Olson, Charles &amp; Fae House</u>	<del>80</del>	<del>Institutional</del> <u>Residential</u>	CUC <u>Yes</u>
8	938 SE Roberts	Bernard Witter Residence	85	Residential	LDR
9	330 W. Powell	W. Gresham Grade School	80	Institutional	CUC
10	140 SE Roberts	Rev. Thompson Resid.	80	Residential	LDR
11	1325 W. Powell	J. R. Elkhorn Ranch	75	Residential	LDR
12	2415 SE Ambleside	Ambleside House	90	Residential	LDR
13	43 NW Ava	W. K. Hamilton Residence	70	Residential	DR-12
14	307 NE Kelly	Freeman Property	75	Residential	CUC
15	1229 W. Powell	Dr. Hughes Residence	65	Residential	LDR <u>Yes</u>
16	1265 SE Roberts	Judge Stapleton House	80	Residential	LDR
17	3655 SE Powell	Peterson Residence	80	Residential	LDR
18	611 NW Wallula	Fred Honey House	75	Residential	LDR
19	31 NW 11th	Lunceford Residence	80	Residential	LDR
20	53 NW 12th	Walker Residence	80	Residential	LDR
21	54 NW 12th	Aldrich/Bliss House	80	Residential	LDR
22	1801 NE 201st	Lowitt Estate	70	Residential	MDR-24
23	2202 SW Pleasant View	Giese House, Workshop & Cellar	50	Residential	LDR
24	720 NW Division	VanDoninck House		Residential	TLDR
25	42 NW Wilson Avenue	Moen House		Residential	LDR-5

**Class 2 Landmarks**

No.	Address	Name	Points	Use	<u>District</u> <u>National</u> <u>Register</u>
26	103 W. Powell	US Post Office	85	Institutional	CUC
27	122 N. Main	Duane C. Ely Building	75	Commercial	CUC
28	58 W. Powell	Gresham <u>Masonic</u> Lodge #152	75	Institutional	CUC
29	19720 SE Stark	11-Mile marker	75	Object	GC
30	23500 SE Stark	13-Mile Marker	75	Object	GC
31	25700 SE Stark	14-Mile Marker	75	Object	LDR
32	I-84 & NE 169th	Pioneer Grave	75	Object	BP
33	18706 E. Burnside	Satellite Restaurant <u>Sign</u>	70	<u>Object</u> Commercial	TD
34	101-117 N. Main	Congdon Building	60	Commercial	CUC

Source: Gresham Historic and Cultural Resources Inventory (1990), 93-32-CPA, and Gresham Comprehensive Plan Map

First reading: November 16, 2010

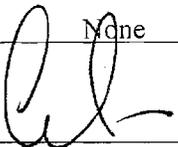
Second reading and passed: December 7, 2010

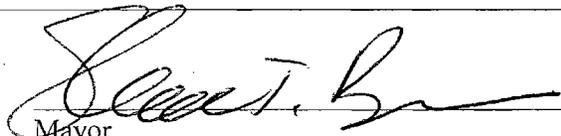
Yes: Bemis, Widmark, Fuhrer, Craddick, Strathern, Warr-King

No: None

Absent: Nielsen-Hood

Abstain: None

  
City Manager

  
Mayor

Approved as to Form:

  
Senior Assistant City Attorney

CITY OF GRESHAM  
DEVELOPMENT SERVICES  
PLANNING SERVICES  
1333 NW EASTMAN PARKWAY  
GRESHAM, OR 97030



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12/14/2010

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US POSTAGE

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