



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

March 3, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 005-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 14, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Community Services Division Manager
Ann Pytynia, City of Gresham

<paa> ya/

FEB 25 2008

**LAND CONSERVATION
AND DEVELOPMENT**

DLCD NOTICE OF ADOPTION

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

Jurisdiction: City of Gresham

Local File No.: CPA 07-266

(If no number, Use none)

Date of Adoption: 2/19/08

Date Mailed: 2/22/08

(Must be filled in)

(Must be filled in)

Date the notice of Proposed Amendment was mailed to DLCD: 10/25/07

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use regulation Other: _____

(Please Specify Type of Action)

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

Amends the Gresham Community Development Code to prohibit Outdoor Commercial uses in the Rockwood Town Center (RTC) district and changes commercial/retail requirements within the Rockwood Triangle (181st Avenue, Burnside Road, and Stark Street).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

None

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 2, 9 & 10

Was an Exception Adopted? Yes: _____ No: X

DLCD # 005-07 (16502)

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

If no, do the Statewide Planning Goals apply

Yes: _____ No: _____

If no, did the emergency circumstances require immediate adoption

Yes: _____ No: _____

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

Local Contact: Ann M. Pytynia, AICP, Development Planning Spvr. Area Code + Phone Number: 503) 618-2859
 Address: 1333 NW Eastman Parkway City: Gresham, OR
 Zip Code + 4: 97030-3825

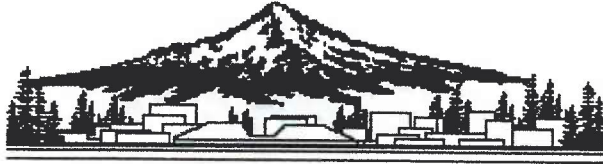
ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the “notice of Adoption” is sent to DLCD.
6. In addition to sending the “notice of Adoption” to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



*Community Development Department
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 07-266

PROJECT: City of Gresham – Rockwood Town Center

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: Paul Ketchum
600 NE Grand
Portland OR 97232-2736**

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

SIGNATURE: _____

DATE OF MAILING: February 22, 2008

BEFORE THE CITY COUNCIL OF THE

CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME 3,) Order No. 603
DEVELOPMENT CODE, OF THE GRESHAM)
COMMUNITY DEVELOPMENT PLAN TO) CPA 07-266
DISALLOW OUTDOOR COMMERCIAL USES,)
AMEND THE PROVISIONS FOR THE ALLOWANCE)
OF RESIDENTIAL USES REGULATED BY FOOTNOTE)
9 OF SECTION 4.0420 AND REQUIRE CERTAIN)
DESIGN STANDARDS FOR RESIDENTIAL USES ON)
BURNSIDE, ALL IN THE ROCKWOOD TOWN)
CENTER (RTC) DISTRICT)

On February 5, 2008, the City Council held a public hearing to take testimony on amendments to Volume 3. Development Code, of the Gresham Community Development Plan to disallow outdoor commercial uses, amend provisions for the allowance of residential uses, and to require certain design standards for residential uses on Burnside, all in the Rockwood Town Center (RTC) district.

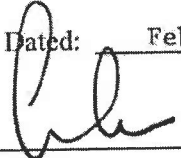
The hearing was conducted under Type IV procedures. Mayor Shane T. Bemis presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the February 5, 2008 meeting, and a decision was made at the February 19, 2008 meeting.

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

The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached Planning Commission Recommendation Order, staff report, and additional changes recommended by staff as set forth in a January 8, 2008, memorandum to the mayor and council.

Dated: February 19, 2008



City Manager



Mayor

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

TYPE IV RECOMMENDATION ORDER

CPA 07-26000266

A public hearing was held on December 10, 2007, upon an application to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan pertaining to permitted uses in the Rockwood Town Center (RTC) Corridor District.


The Commission closed the public hearing at the December 10, 2007 meeting, and a final recommendation to Council was made at the December 10, 2007 meeting.

Robert Cook, Chairperson, presided at the hearing.

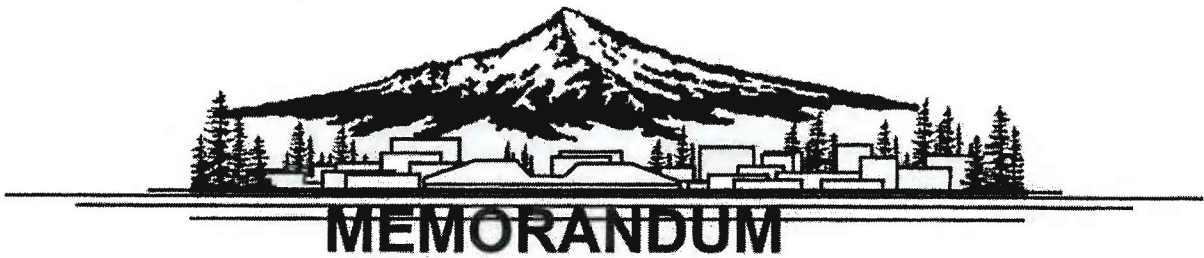
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of this Type IV Recommendation Order.

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the November 30, 2007 staff report with the following exceptions, additions and/or changes:

NONE


Chairperson

12/10/07
Date



STAFF REPORT
TYPE IV HEARING

COMMUNITY DEVELOPMENT CODE TEXT AMENDMENTS
PERTAINING TO CHANGES TO PERMITTED USES IN THE ROCKWOOD TOWN
CENTER (RTC) CORRIDOR DISTRICT

TO: Gresham Planning Commission

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

HEARING DATE: December 10, 2007

REPORT DATE: November 30, 2007

FILE: CPA 07-26000266

PROPOSAL: Proposed Amendments to the Gresham Community Development Code (Volume 3) as follows:

- 1) **The prohibition of Outdoor Commercial uses within the Rockwood Town Center (RTC) District. Section 4.0420, Table 4.0420(G).**
- 2) **Allow for attached dwellings on a single lot and single family attached dwellings and mixed uses within the Rockwood Town Center Mixed Use Area (Appendix 9.000) with new limitations. Section 4.0420, Table 4.0420(I), (J), (Q) and footnote (9).**

EXHIBITS: A. Proposed Community Development Code text amendments to Volume 3, including commentary. The commentary provides additional findings for this proposal.

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

**SECTION I
EXECUTIVE SUMMARY**

This proposal is putting forward text amendments to the Community Development Code (CDC). The reasons are that new Code language is needed to attempt to spur appropriate development within the Rockwood Town Center (RTC). The existing RTC district is intended to support a scale and character of a new development that supports the image of an authentic town center, however, no significant construction has occurred in the RTC since 1995. It is anticipated that these changes to the CDC will prompt new and quality development.

These proposed amendments present changes to the code that will disallow outdoor commercial uses in the RTC as such uses are not typical of a true town center. Additionally, these changes seek to modify the requirements for ground floor commercial and ground floor residential in RTC as well as provide for additional design standards for housing units located along Burnside. Specifically, the area designated as the Rockwood Town Center Mixed Use area is proposed to be changed to require ground floor commercial only along the Stark frontage, with residential allowed above and behind those uses. Access to ground floor residential along Burnside will have elevated entries to enhance the design and livability of the units.

**SECTION II
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

- | | | |
|----|-----------------|---------------------------------|
| A. | Section 11.0400 | Legislative Actions |
| B. | Section 11.0205 | Type IV Procedure – Legislative |

**SECTION III
APPLICABLE COMMUNITY DEVELOPMENT PLAN POLICIES**

- | | | |
|----|------------------|----------------------------|
| A. | Section 10.014 | Land Use Planning |
| B. | Section 10.100 | Citizen Involvement |
| C. | Section 10.311 | Residential Land Use |
| D. | Section 10.312 | Commercial Land Use |
| E. | Section 10.319 | Central Rockwood Area |
| F. | Section 10.319.1 | Transit Corridor Plan Area |
| G. | Section 10.413 | Community Design |
| H. | Section 10.414 | Economic Development |
| I. | Section 10.600 | Housing |

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

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

Community Development Code Procedures

Section 11.0400 – Legislative Actions: The proposed amendments to the Community Development Code comprise a legislative action requiring a Type IV Land Use Procedure. Required notice of the public hearing for this text amendment has been published in the Gresham Outlook in accordance with the requirements of this article.

Section 11.0205 – Type IV Procedure: Both the Planning Commission and City Council will consider this proposal at public hearings in conformance with this section.

A Measure 56 notice was sent to all property owners of RTC designated properties on November 20, 2007, in compliance with this requirement.

Community Development Plan Policies

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

A. Section 10.014. Land Use Planning; Land Use Policies and Regulations, Community Design; Goal and Policies 1, 2, 4 and 23.

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

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

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

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

Findings: The proposed amendments to the City's Development Code are being undertaken to encourage quality development within the RTC District. The City staff recommends these changes in order to promote new development in this Corridor District and is of the opinion that the changes to the design standards will further enhance this development potential and is in the best interest of the City.

The proposed Community Development Code amendments were sent to the Department of Land Conservation and Development (DLCD) pursuant to the Department's Post Acknowledgment Plan Amendment requirements and to Metro pursuant to Metro's Title 8 compliance procedures on October 25, 2007, which was at least 45 days prior to the first evidentiary hearing of December 10, 2007. This required 45-day notice allows the Department to review the proposal for conformance with all applicable Statewide planning goals and to coordinate the same with

other potentially affected agencies and jurisdictions. No comment has been received from DLCDC, Metro or other interested parties.

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

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

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

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

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

Findings: These text amendments were initiated by City Council on July 17, 2007. The initiation of these amendments was requested by City staff in the interest of promoting new and quality development within the RTC District. These code amendments were presented to the Developers Advisory Group on October 18, 2007 and at a work session with the Planning Commission held on October 22, 2007. Additionally, Urban Renewal staff presented the proposed changes to the Rockwood neighborhood Association on October 17, 2007. A Measure 56 notice was mailed on November 20th and a Notice of Public Hearing was published in the Gresham Outlook on November 28, 2007.

Additionally, as previously stated, the Gresham Community Development Code, Section 11.0205, Type IV Procedures, requires legislative actions to be subject to public hearings before both the Planning Commission and City Council. Both bodies will consider the proposal only after public hearings where citizens have an opportunity to testify.

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

C. Section 10.312 Commercial Land Use; Policy I and Implementation Strategy 5; Policy II and Implementation Strategy 2

Policy I: It is the policy of 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.

Implementation Strategy 5: The city will promote focused commercial development in downtown and Central Rockwood to take advantage of expected increased population densities in and around these areas as a result of the light rail transit system. Downtown

will be the focus of retail and office development while transit oriented retail, service and office development will be promoted in Central Rockwood.

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

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

Findings: The intent of the proposed changes is to stimulate good quality development within the RTC District, which has not seen any substantial development activity in about 12 years. The changes will promote a more reasonable approach to commercial development in this area and will hopefully serve to revitalize the development potential of RTC.

Conclusions: The proposed amendments will encourage business development in RTC, with the eventual goal of stimulating good quality development throughout Rockwood.

D. Section 10.319 Central Rockwood Area. Central Rockwood Land Use Policy, Implementation Strategies 1 and 7.

Central Rockwood Land Use Policy: The city will permit and encourage land use types and intensities of use which accommodate forecast growth, support creation of a pedestrian-friendly, transit-oriented live/work district, and are otherwise consistent with the Gresham 2020 vision and the Metro Region 2040 Functional Plan.

Implementation Strategy 1: Designate a Rockwood Town Center District which is centered on and around the triangle formed by NE 181st Ave., Stark and Burnside. Make this the focal point for Central Rockwood, by permitting and encouraging a variety of residential, commercial, mixed-use and civic uses.

Implementation Strategy 7: Prohibit or strictly limit industrial and auto-oriented uses in order to promote a more intensive and pedestrian-friendly pattern of land uses.

Findings: The proposed changes promote all of the above. Altering requirements for full ground floor commercial at the frontages on Stark, Burnside, Pine, Ash, Oak and 181st which has proved to be a requirement that has discouraged development, should prove to stimulate growth. Eliminating outdoor commercial uses (which can typically be auto-oriented) such as car lots, plant nurseries and lumber yards will promote more pedestrian-oriented development in the area.

Conclusions: The proposed changes will serve to promote good development in the Central Rockwood RTC District with a complementary mix of housing and commercial. Further, the elimination of outdoor commercial from the RTC will promote more pedestrian-friendly development.

E. Section 10.319.1 Transit Corridor Plan Area. Policy 2

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: Staff is of the opinion that allowing for some more limited residential at the ground floor (which is precluded at this time), will make properties more marketable and serve to promote more pedestrian activity in the Rockwood Triangle.

Conclusions: The amendment is supportive of promoting complementary land uses. The allowance of somewhat more residential development will serve to make the Rockwood area more walkable.

F. Section 10.413 Community Design. Implementation Strategies 3(b) and 3(g).

Implementation Strategies 3b and 3g: The Community Development Standards will prescribe design requirements related to (b) Site layout considering factors such as climate, primacy, usable outdoor areas, topography, vegetation, natural drainage, use by the handicapped and crime prevention; and (g) Entry areas.

Findings: The allowance of ground floor residential on Burnside also includes a design standard requiring entries at a minimum of 4 and a maximum of 9 feet above grade.

Conclusions: This amendment promotes privacy and an attractive entry detail to units located on Burnside and therefore meets these implementation strategies.

G. Section 10.414 Economic Development. Implementation Strategy 6.

Implementation Strategy 6: The City will develop, maintain and update redevelopment plans for the Rockwood shopping district, the Burnside commercial strip and the downtown commercial area.

Findings: Although these changes do not specifically relate to the "redevelopment plan", changes to the Development Code will assist in allowing for the redevelopment plan for the area to move forward and make areas within the RTC district more marketable.

Conclusions: The intended changes promote this Implementation Strategy and are intended to spur economic development.

H. Section 10.600 – Housing. Goal and Policies 2 and 5.

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

Policy 2: The City shall designate adequate lands, and make available land use processes to provide opportunities to develop a variety of housing types in locations and at densities consistent with its goals.

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

Findings: The proposed changes will allow for some additional housing in the RTC district and also provides for some new standards for the design of residential entries along the Burnside frontage.

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

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

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

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

Metro Functional Plan

Findings: Section 3.07.820 of this Title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submits the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of the compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to Metro on October 25, 2007 which was at least 45 days prior to the first evidentiary hearing of December 10, 2007. 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.

Conclusions: The City has submitted the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing and Metro has made no comments or request on the proposal. The proposal is consistent with Title 8.

Statewide Planning Goals

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

Statewide Planning Goal 1, Citizen Involvement requires that jurisdictions develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. For the reasons previously stated, the City concludes that the proposed amendments to the Community Development Code are consistent with the Statewide Planning

Goals. This is because the process used to hear and recommend adoption of the proposed changes is consistent with the City's own acknowledged Citizen Involvement Program.

Statewide Planning Goal 2, Land Use Planning requires jurisdictions "To establish a land use planning process and framework for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions." The City finds that the proposed Development Code changes represent an improvement to the existing code. The proposed changes result from City Urban Renewal staff interested in spurring new quality development in the RTC district while promoting good residential entry design for those units fronting on Burnside.

Statewide Planning Goal 9, Economic Development requires jurisdictions "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens". The proposed change presents a more reasonable and marketable approach to the provision of commercial services within the RTC District. The RTC District has not seen significant development activity for a number of years. The Urban Renewal staff has determined that the current requirements are excessive and an actual detriment to the economic health of Rockwood.

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

SECTION VI OVERALL CONCLUSION

The proposed Plan text amendments (attached as Exhibit A) are consistent with applicable criteria, including the policies of the Community Development Plan, Statewide Planning Goals, and applicable Metro UGMFP code as contained or referenced within this report.

SECTION VII RECOMMENDATION

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

End of Staff Report

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

CB 13-07

ORDINANCE NO. 1652

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM COMMUNITY DEVELOPMENT PLAN TO DISALLOW OUTDOOR COMMERCIAL USES, AMEND THE PROVISIONS FOR THE ALLOWANCE OF RESIDENTIAL USES REGULATED BY FOOTNOTE 9 OF SECTION 4.0420 AND REQUIRE CERTAIN DESIGN STANDARDS FOR RESIDENTIAL USES ON BURNSIDE, ALL IN THE ROCKWOOD TOWN CENTER (RTC) DISTRICT

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

Section 1. Development Code, Table 4.0420: Uses Permitted In the Corridor Districts; is amended as follows:

Use Categories:	Rockwood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
Commercial Uses:							
(A) Offices	P	P ¹⁰	P	NP	P ⁵	P	P ⁴
(B) Clinics	P	P ¹⁰	P	NP	P ⁵	P	P ⁴
(C) Retail Trade	P	P ¹⁰	P	NP	P ⁵	P	P ⁴
(D) Retail Service	P	P ¹⁰	P	NP	P ⁵	P	P ⁴
(E) Business Service	P	P ¹⁰	P	NP	P ⁵	P	P ⁴
(F) Auto-Dependent Use	L ¹	NP	P	NP	P ⁵	P	P ⁴
(G) Outdoor Commercial	L ³ NP	NP	L ³	NP	L ³	P	P ⁴
(H) Mini-Storage Facilities	NP	NP	NP	NP	NP	NP	NP
Residential Uses:							
(I) Attached Dwellings on a Single Lot	P ⁹	P ¹³	P	P	P	L ¹¹	L ¹¹
(J) Single Family Attached Dwellings	P ⁹	P	P	P	P	NP	NP
(K) Two-Unit Attached Dwelling	NP	P	P	P	P	NP	NP
(L) Single-Family Dwelling (Detached)	NP	NP	NP	L ⁸	NP	NP	NP
(M) Accessory Dwelling	P	P	P	P	P	NP	NP
(N) Residential Homes	NP	NP	NP	L ⁸	NP	NP	NP
(O) Residential Facilities	P	P	P	P	P	L ¹¹	L ¹¹
(P) Industrial Uses	NP	NP	L ^{6,7}	NP	NP	NP	NP
(Q) Mixed-Use Development	P ⁹	P	P	NP	P	P	P
(R) Temporary Uses	P	P	P	P	P	P	P
(S) Accessory Structures	P	P	P	P	P	P	P
(T) Interim Office Uses	NP	NP	NP	P	NP	NP	P
(U) Temporary Health Hardship Dwelling	L ¹²	L ¹²	L ¹²	L ¹²	L ¹²	L ¹²	L ¹²

Use Categories:	Rockwood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor Mixed-Use	Community Commercial	Moderate Commercial
(V) Home Occupations	P	P	P	P	P	P	P
Community Service Uses:							
(W) Type I	P	P	P	P	P	P	P
(X) Type II	P	P	P	P	P	P	P
(Y) Type III	P ²	P ²	P	P	P	P	P

Section 2. Volume 3, Development Code, Table 4.0420 Notes (9) is amended as follows:

Table 4.0420 Notes:

9 ~~Within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area), attached dwellings on a single lot and single family attached dwelling lots with frontage on Stark, Burnside, Pine, Ash, Oak and Couch Streets and on 181st Avenue shall develop commercial or community service uses, or combinations thereof, along the entire length of the street frontage, except the portion thereof required for access. These non residential uses shall occupy at least the ground floor of any new building and shall have main entrances directly on the street. 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.~~

9 Within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have commercial uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above the commercial uses and behind the commercial uses on Stark.

Ground floor residential uses on Burnside within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area) shall have individual entries oriented to Burnside and located above grade a minimum of 4 feet and a maximum of 9 feet. Windows into living areas for ground floor residential uses shall be sited for privacy. Except for Section 7.0210(A)(4) and (5), Transit Design standards of Section 7.0120 shall apply to all residential development with frontage on Burnside within the RTC District. All other applicable design and development criteria in this code shall apply.

Section 3. Development Code, Section 4.0437: Outdoor Commercial Uses, is amended as follows:

4.0437 Outdoor Commercial Uses

(A) Outdoor commercial uses may be permitted in the Station Center (Ruby Junction Overlay) District or the Corridor Mixed-Use District as indicated in Table 4.0420, subject to the following limitations:

(1) Total site size for any new outdoor commercial use shall not exceed two acres ~~in the Rockwood Town Center District, or the Station Center (Ruby Junction Overlay) District, or the Corridor Mixed-Use District.~~

(B) The following types of outdoor commercial uses shall be prohibited within ~~the Rockwood Town Center, the Station Center (Ruby Junction Overlay) District, and the Corridor Mixed-Use district.~~

First reading: February 4, 2008

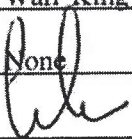
Second reading and passed: February 19, 2008

Yes: Bemis, Widmark, Bennett, Craddick, Strathern, Nielsen-Hood

No: None

Absent: Warr-King

Abstain: None


City Manager


Mayor

Approved as to Form:


Senior Assistant City Attorney

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OPMENT SERVICES
NNING SERVICES
EASTMAN PARKWAY
SHAM, OR 97030

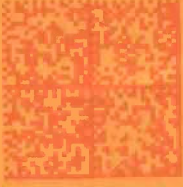
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LAND CONSERVATION
AND DEVELOPMENT

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