



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

09/03/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment  
DLCD File Number 003-13

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

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, September 16, 2013

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

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

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

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

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FORM

2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	AUG 29 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Gresham**Local file number: **CPA 13-077**Date of Adoption: **8/20/2013**Date Mailed: **8/28/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/25/2013☒ 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".

Amended the Development Code to modify the time for when development permits expire; modifies time frame for extensions; and modifies methods by which financial guarantees may be provided.

Does the Adoption differ from proposal? Please select one

None

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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 ☐ NoDLCD file No. 003-13 19815) [17592]



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

Metro

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Local Contact: **Stacy Humphrey, Assoc. Planner**

Phone: **(503) 618-2202**

Extension:

Address: **1333 NW Eastman Parkway**

Fax Number: - -

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

E-mail Address:

**Stacy.Humphrey@GreshamOregon.gov**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO VOLUME	)	Order No. 644
3, DEVELOPMENT CODE, OF THE GRESHAM	)	
COMMUNITY DEVELOPMENT PLAN, REGARDING	)	CPA 13-077
THE GRESHAM COMPETITIVENESS PROJECT	)	

On July 16, 2013, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan as it relates to the Gresham Competitiveness Project.

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

The Council closed the public hearing at the July 16, 2013 meeting, and a final decision was made at the August 20, 2013 meeting.

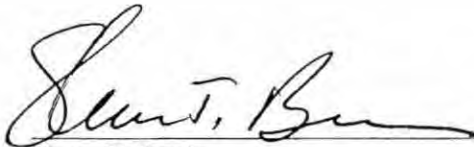
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

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

Dated: August 20, 2013



Erik Kvarsten  
City Manager



Shane T. Bemis  
Mayor





## MEMORANDUM

### URBAN DESIGN & PLANNING Comprehensive Planning

#### STAFF REPORT TYPE IV HEARING - COMPREHENSIVE PLAN AMENDMENT GRESHAM COMPETITIVENESS

To: Gresham Planning Commission

From: Jonathan Harker, AICP, Urban Design and Planning Director  
Stacy Humphrey, AICP, Associate Comprehensive Planner  
Ken Koblitz, Public Works Construction and Inspection Supervisor

Hearing Date: June 10, 2013

Report Date: May 29, 2013

File: CPA 13-077

Proposal: To adopt Comprehensive Plan amendments to Volume 3 of the Community Development Plan with text amendments that:  
1) Modify the expiration and extension timelines for land divisions  
2) Provide an alternate method for financial guarantee requirements

Exhibits: 'A' - Text Amendments, Draft Council Bill, Community Development Plan

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

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## **SECTION I EXECUTIVE SUMMARY**

### **Background**

This Gresham Competitiveness project, which is on the 2013 Council Work Plan, seeks to remove barriers to development regarding public infrastructure requirements. The proposal being considered does the following:

1. Creates an alternate method for providing financial guarantee requirements
2. Extends the timeline before land division approvals expire
3. Increases the extension options for land divisions

The current economy and recent changes in lending practices by financial institutions presents significant challenges to development that did not exist in past years. Financial institutions have become increasingly conservative and risk-averse, causing project financing to become more difficult.

An alternate method of providing financial guarantee requirements allows a developer to move forward on a project. This alternative permits the developer to obtain a guarantee for a smaller portion of the project - the amount the City would need to restore existing exterior public streets in the event of developer abandonment. The developer may then find other financing to install public infrastructure improvements that occur on private property that do not rely on the traditional financial guarantee. The alternative method does not modify the current requirements for a financial guarantee related to site grading.

The timeline for land division approvals and extensions is also extended since the existing timelines have become challenging. The proposal makes land division approvals for two years, and extensions may be granted for multiple one-year periods provided certain conditions are met. This would sunset in four years.

The project included the following public outreach efforts:

- City Council: Feb. 12, 2013
- Planning Commission: July 23, 2012; Jan. 14 and May 13, 2013
- The Neighborhood Coalition: Aug. 14, 2012
- A focus group of the Neighborhood Coalition: Aug. 21, 2012
- The Development Group: Sept. 27, 2012

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

Text changes to the 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.

In summary, the Code:

- Creates an alternate method for providing financial guarantee requirements. Proposed language talks about a guarantee of completion being required for all improvements other than those constructed on private property, which will become public upon City approval of a final map or plat.
- Extends the timeline before land division approvals expire and by which such approvals may be extended. Approvals are extended from one year to two years. Extensions may be for multiple one-year periods, provided certain conditions are met.

## **Staff Report Organization**

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

## **SECTION II APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

<b>Section 11.0201</b>	Initiation of an Application
<b>Section 11.0203</b>	Classification of Applications by Procedure
<b>Section 11.0204</b>	Review Authorities
<b>Section 11.0600</b>	Type IV Legislative Procedures
<b>Section 11.1000</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 10.330</b>	Public Facilities and Services

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

<b>Title 8</b>	Compliance Procedures
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## **SECTION V APPLICABLE OREGON STATEWIDE PLANNING GOALS**

<b>Goal 1</b>	Citizen Involvement
<b>Goal 2</b>	Land Use Planning

## SECTION VI 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, applicable titles of the Metro Urban Growth Management Functional Plan, and applicable Statewide Planning Goals as indicated in the following findings. Attachment "A" provides "*commentary*" which supplements the findings.

### A. Community Development Code Procedures

1. **Section 11.0201 - Initiation.** This section provides that only the City Council may initiate a Type IV legislative application to amend the text of the Map or Code of the Gresham Community Development Plan. This project was initiated by the City Council when they adopted the 2012 and 2013 Council Work Plans, which included the Development Competitiveness and Gresham Competitiveness projects, respectively.
2. **Sections 11.0203 and 11.0204 - Classification of Applications and Review Authorities.** These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that the procedures generally apply to a relatively large geographic area containing many property owners. They also provide that the Planning Commission offer a recommendation on the amendments and the City Council be the decision-making authority. This project meets those conditions, is being processed under the Type IV procedures and will be heard by the City Council.
3. **Section 11.0600 - Type IV Legislative Procedures.** This section requires a submittal to the Department of Land Conservation and Development at least 45 days prior to the Planning Commission hearing for a Type IV Comprehensive Plan amendment. This submittal was made on April 25, 2013, which is at least 45 days prior to the Planning Commission hearing date of June 10, 2013. This section also 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.

This section also requires that the Planning Commission hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Code and the Community Development Plan. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission 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.

4. **Section 11.1000 - Public Hearings.** This section provides for a hearing process consistent with Section 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal.

### 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.



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

*Policy 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.*

### **Findings**

The proposed amendments are part of the Gresham Competitiveness project, which was requested by the Gresham City Council to remove barriers to development regarding public infrastructure requirements. Gresham's Plan has been found in compliance with state and regional requirements, and the proposed amendments are also in compliance with Gresham's Code and state and regional requirements as described in Sections II, III, IV, V and VI of this staff report.

The proposed amendments provide an alternate method to funding public infrastructure improvement other than the traditional financial guarantee process. This is in response to changes in lending in which financial institutions have become more risk-averse in their decision-making. This change does not modify the standards for public infrastructure, but rather the method for financing improvements. With this proposed amendment, all public infrastructure must be approved and accepted by the City prior to the developer recording a land division and selling the created lots.

The Gresham City Council signaled the legislative intent for this project through adoption of the 2012 and 2013 Council Work Plans. The 2012 Council Work Plan was adopted on Jan. 3, 2012. The 2013 Council Work Plan was adopted on March 5, 2013. City staff submitted the proposed amendments to Metro and the DCLD on April 25, 2013, which was at least 45 days prior to the first evidentiary hearing of June 10, 2013. Neither agency has contacted City staff regarding this notice.

### **Conclusion**

*Policy 6* is addressed through the proposed amendment by requiring public facilities to be accepted by the City prior to the developer recording the land division and selling lots.

*Policy 20* is addressed by providing text amendments that address the need to ensure the land use classification system is current and responsive to community needs. The public and elected and appointed officials were provided with research and analysis concerning this project and were able to review and comment on the preferred approaches and draft Code changes, and as noted in this staff report, ensure the proposal conforms to relevant state and regional rules.

*Policy 21* is addressed because the City Council initiated these amendments.

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

### **Section 10.100 - Citizen Involvement**

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

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

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

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

*Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted 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 meaningful opportunities throughout a planning project to be informed and to affect proposals.

Public participation opportunities were provided throughout this project:

- City Council: Feb. 12, 2013
- Planning Commission: July 23, 2012; Jan. 14 and May 13, 2013
- The Neighborhood Coalition: Aug. 14, 2012
- A focus group of the Neighborhood Coalition: Aug. 21, 2012
- The Development Group: Sept. 27, 2012

### **Conclusion**

The *Citizen Involvement Goal (10.100)* and related policies were addressed through public outreach efforts. This included meetings with the Neighborhood Coalition, Development Group, the Planning Commission, and the City Council.

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

### **Section 10.330 Public Facilities and Services**

*It is the City's policy that development will coincide with the provision of adequate public facilities and services including access, drainage, water and sewerage services.*

*Policy 3: The Community Development Standards document will require that adequate facilities and services exist or can be provided as part of a proposal prior to issuing development permits.*

*Policy 4: To meet the preceding strategy, a development shall be required to provide adequate public facilities to serve the site and to extend public facilities to provide for the logical continuation of the city's utility and street systems. A development may be required to modify or replace existing off-site systems to provide adequate public facilities.*

#### Findings

The proposed amendment continues to require that the City accept public infrastructure improvements prior to the developer recording the land division and selling off the created lots and individual builders seeking building permits.

#### Conclusion

The *Public Facilities and Services Goal (10.330)* and related policies are addressed by requiring public facilities to be accepted by the City prior to recording the land division and issuing subsequent building permits.

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

### **C. Metro Urban Growth Management Functional Plan**

#### **Title 8 Compliance Procedures**

##### Findings

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

The City submitted the proposed amendments to Metro on April 25, 2013, which was at least 45 days prior to the first evidentiary hearing of June 10, 2013. Metro has not contacted the City regarding this notice.

##### Conclusion

The City has submitted the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing. The proposal is consistent with Title 8.

### **D. Oregon Statewide Planning Goals**

##### Findings

Statewide Planning Goal 1 requires that cities "provide the opportunity for citizens to be involved in all phases of the planning process."

Statewide Planning Goal 2 requires cities to "establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. This shall result in land use plans and implementation measures that are consistent with the land use plans."

A thorough public input process was conducted in the creation of the proposed amendments, which allowed the public to be involved at each stage of the amendment's development.

The City has a state-acknowledged Comprehensive Plan. Section VI of this report describes findings and conclusions that the proposed Comprehensive Plan amendments are consistent with applicable procedures as well as applicable goals and policies of the City's Comprehensive Plan.



### Conclusion

The proposed amendments comply with Statewide Planning Goals 1 and 2.

## **SECTION VII CONCLUSION**

The proposed Comprehensive Plan amendments attached as Exhibit 'A' is consistent with applicable criteria and policies of the Community Development Plan; the applicable Development Code of the Community Development Plan; the applicable Metro UGMFP titles; and the applicable Oregon Statewide Planning Goals as indicated by findings contained or referenced in Section VI of this report.

## **SECTION VIII RECOMMENDATION**

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

*End of Staff Report*

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

CB 07-13

**ORDINANCE NO. 1730**

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

**THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:**

**Section 1.** Volume 3, Development Code, Section 6.0200 is amended as follows:

\*\*\*

**6.0214 Expiration of Partitions and Subdivisions -**

- A.** A tentative land division plan approval expires two (2) years from the effective date. Those tentative land division plans approved on or after Sept. 19, 2017 shall expire one (1) year from the effective date.

**Section 2.** Volume 3, Development Code, Section 6.0400 is amended as follows:

\*\*\*

**6.0403 Partitions and Subdivisions - Final Plat**

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- C.** The Manager shall approve a final subdivision or partition plat when the plat conforms with the approved tentative plan, other applicable requirements of this code and the following are submitted:
1. Lands to be deeded or dedicated for public use are provided for on the final plat or on separate documents.
  2. An approved guarantee of completion for required public improvements that have not been completed and accepted by the City.

\*\*\*

**Section 3.** Volume 3, Development Code, Section 11.0100 is amended as follows:

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**11.0105 Expiration of Development Permit**

- A.** Unless a different expiration date is specifically provided in the Development Code, a Development Permit shall expire automatically one (1) year from the effective date unless one of the following occurs first:

1. For design review permits except for phased design reviews as provided in **Section 7.0004** of the Development Code, a structural or grading permit for each proposed structure has been submitted to the City and is active or in review.
2. For tentative land division plans, except for phased plans as provided in **Section 6.0221 6.0211** of the Development Code, a final plat or map application has been submitted to the City.

\*\*\*

## **11.0106 Extension of Development Permit**

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- A. Except as noted in Section 11.0106(B), if an extension is desired, the holder of the Development Permit must file an application for an extension prior to the expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type I action. An extension may be granted for one (1) year from the original date of expiration unless noted otherwise in the Development Code.

Extensions shall be granted only upon findings that:

1. Commencement of development could not practically occur for reasons beyond control of the permit holder;
2. The request for extension is not sought for purposes of avoiding any responsibility imposed by this code or the Development Permit;
3. There has been no change in the Development Code since approval of the Development Permit that would require significant modification of the Development Permit or conditions of approval; and
4. There has been no change of the plan map designation of the property since approval of the development permit that would prevent approval under the plan map designation in effect at the time of the extension request.

- B. A holder of a Development Permit for a tentative land division plan or for a single-family attached design review approval associated with a tentative land division plan may file an application for an extension of the Permit prior to its expiration. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type I procedure. Extensions may be granted for one (1) year periods. Phased subdivisions, as described in Section 6.0211, shall follow Section 11.0106(A)).

Extensions shall be granted only upon findings that:

1. The request for extension is not sought for purposes of avoiding any responsibility imposed by this code or the Development Permit;
2. There has been no change in the Development Code since approval of the Development Permit that would require significant modification of the Development Permit or conditions of approval;
3. There has been no change that would alter the need for public facilities; and
4. There has been no change of the Plan Map designation of the property since approval of the



development permit that would prevent approval under the plan map designation in effect at the time of the extension request.

\*\*\*

**Section 4. Volume 3, Development Code, Appendix A5.000 is amended as follows:**

**A5.003 Guarantee of Completion**

- A. ~~Prior to construction of any privately financed public improvement, or approval of any final map or plat, the required public improvements must be completed and all development fees and charges must be paid, or~~ a Guarantee of Completion shall be required to ensure the completion of or payment for public improvements and payment of development fees and charges. Prior to construction of any privately financed public improvement, a guarantee of completion shall be required for all improvements other than those constructed on private property which will become public upon City approval of a final map or plat. The Guarantee of Completion shall be for 110 percent of the estimated plan check, administration, inspection and construction costs of the public improvement. The estimated costs shall be determined by the Engineer's estimate, the tabulation of bids or other method acceptable to the Manager.

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First reading: July 16, 2013

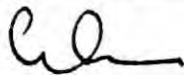
Second reading and passed: August 20, 2013

Yes: Hinton, Fuhrer, Palmero, McCormick, Stegmann

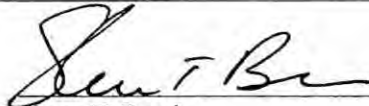
No: None

Absent: Bemis, Echols

Abstain: None

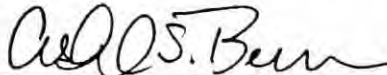


Erik Kvarsten  
City Manager



Shane T. Bemis  
Mayor

Approved as to Form:



Ashley S. Berman  
Assistant City Attorney



U.S. POSTAGE PITNEY BOWES



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02 1W  
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**CITY OF GRESHAM**

Urban Design & Planning  
1333 NW Eastman Parkway  
Gresham, Oregon 97030-3813  
[www.greshamoregon.gov](http://www.greshamoregon.gov)

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

DEPT OF

AUG 29 2013

LAND CONSERVATION  
AND DEVELOPMENT