



# Oregon

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 28, 2016

Jurisdiction: City of Gresham

Local file no.: CPA 15-323

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/28/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE  
**DEPT OF**  
File No.:  
Received: **JAN 28 2016**  
**LAND CONSERVATION  
AND DEVELOPMENT**

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OADR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Gresham

Local file no.: CPA 15-323

Date of adoption: 1/19/2016

Date sent: 1/25/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/16/2015  
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No  
If yes, describe how the adoption differs from the proposal:

**No substantive changes**

Local contact (name and title): Kelly Clarke, Transportation Planner

Phone: 503.618.2517

E-mail: kelly.clarke@GreshamOregon.gov

Street address: 1333 NW Eastman Parkway

City: Gresham

Zip: 97030-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Amends 3.0100 - Definitions; 6.0300 Land Divisions; 8.0100 - Special Uses; and Article 9 - Easements and Parking; Appendix 3 - Guarantee of Completion and Appendix 5 Public Facilities. State Goals 1, 2, 11 & 12.

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary  
The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary:

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Development Code 3.0100, 6.0300, 8.0100, Article 9 - (9.0300, 9.0800), Appendix 3 and Appendix 5.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

~~Identify additions to or removal from an overlay zone designation and the area affected:~~

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: METRO

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Amends Development Code relating to Transportation (paths and trails, transit streets, bike parking) and Development Engineering (public improvements for land division, guarantee of completion, underground utilities).

Commentary is for information only.  
Proposed new language is double-underlined;  
Proposed deleted language is ~~stricken~~.

CB 15-15

ORDINANCE NO. 1762

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM  
COMMUNITY DEVELOPMENT PLAN, REGARDING TRANSPORTATION AND  
DEVELOPMENT ENGINEERING UPDATES

THE CITY OF GRESHAM DOES ORDAIN AS FOLLOWS:

**Section 1. Volume 3, DEVELOPMENT CODE, Article 3 General Terms and Definitions is amended as follows:**

**3.0103 General Terms and Definitions**

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**Design Streets.** Design Streets are designated on Figure 7.0210 and are subject to special criteria and standards intended to help foster a pedestrian-friendly environment and effective transit access. They may be designated along transit streets or other streets with significant pedestrian activity.

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**Easement.** The recorded right that allows others to use a defined area of property for specific purpose(s), such as access or utilities.

**Easement, General Utility.** A specific described area of land that is dedicated and recorded for public utility uses including water, sewer, stormwater, electricity, natural gas, telephone lines, and maintenance access.

**Easement, Pedestrian/Bicycle Accessway.** A recorded right that allows the public to use a defined area of property for access by pedestrians and/or bicyclists.

**Easement, Public Access.** A recorded right that allows the public to use a defined area of property for access. Pedestrian/Bicycle Accessway Easements and Public Trail Easements are Public Access Easements.

**Easement, Public Trail** ~~**Public Trail Easement.**~~ A recorded right that allows the public to use a defined area of property for, or to provide access to, a public trail or trail facility such as a Public Multi-Use Path, Public Shared Use Path, Public Trail, Public Trail Access Point, and Public Walking/Hiking Trail. A general term denoting private land, property, or interest therein acquired by the City or other public entity for, or devoted to a trail or access for public use. It includes, but is not limited to public multi-use trails, public trails, public-trail access points, and public walking/hiking trails. The subsurface under, and air space over, the constructed trail remain under the jurisdiction of the owner of the private land or property.

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**Public Multi-Use Paths (Public Path).** Is a type of Public Trail that is typically paved and designed for a broad range of users such as pedestrians (including pedestrians with disabilities), hikers, runners, bicycle riders, horseback riding, users in wheelchairs, and users pushing strollers, for transportation and recreation purposes. Multiple purpose paths that are either gravel or paved public trails suitable for a broad range of

users such as walkers, hikers, runners, bicycle riders, horseback riding, users in wheelchairs, and users pushing strollers.

\*\*\*\*\*

**Public Trails.** A public access route for commuting and recreational activities, such as walking, running, biking, skating, skateboarding or horseback riding. ~~Public walking/hiking trails and public multi-use paths are public trails.~~ Public Walking/Hiking Trails and Public Multi-Use Paths are Public Trails.

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**Public Walking/Hiking Trails.** A type of Public Trail with a soft surface ~~Soft surface~~ trails primarily for passive pedestrian activities such as walking, hiking, and running. Horseback riding and bicycling will not be permitted where there are steep slopes, erosive soils, or other sensitive site considerations.

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**Transit Streets and Routes.** Shown in the Transportation System Plan, of the Gresham Community Development Plan and categorized according to three classes:

- Future Transit Routes are anticipated for future transit service and may include all streets classified as minor arterial or higher.
- Transit Routes. Transit routes currently have existing but infrequent transit service ~~but are not currently subject to the design criteria in this subsection.~~ Transit Routes are subject to future designation as Transit Streets.
- Transit Streets are streets which are currently served by frequent transit service or streets that are designated as regional transit corridors in a regional growth plan or transportation plan. ~~Special criteria apply to Transit Streets.~~

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**Transitway.** A transitway serves as an exclusive right-of-way for transit use, either bus or light rail.

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**Section 2, Volume 3, DEVELOPMENT CODE, SECTION 3.0200, Land Use Classifications, is amended as follows:**

### **3.0274 Parks, Open Spaces and Trails**

A. Characteristics. Parks, Open Spaces and Trails are uses of land focusing on large natural areas consisting mostly of vegetative landscaping, outdoor recreation, or public squares. Areas provide open space and recreational opportunities for all city residents and for community events. Parks may be programmed for different activities such as: play grounds, skate parks, off-leash dog areas, paths and trails, and ball fields, and be host to periodic events such as concerts, soccer games, and art shows.

B. Example Uses. Public neighborhood, community and regional parks; public paths and trails, trail access points, and trailheads; ~~multi-use paths;~~ public open space; public urban plazas; private parks; and golf courses.

C. Accessory Uses. Club houses, maintenance facilities, concessions, information kiosks, shelters, restrooms, community gardens, and picnic tables.

D. Exceptions.

1. Open spaces, paths and trails, and playgrounds in a subdivision.

2. Public paths and public trails identified in the City of Gresham Transportation System Plan as transportation facilities.

**Section 3. Volume 3, DEVELOPMENT CODE, Section 4.0400 Corridor Districts is amended as follows:**

**Table 4.0420: Permitted Uses in the Corridor Land Use Districts**

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[Footnote] 3 Within the area identified on the **Appendix 9.000** map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have non-residential uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above and behind the non-residential uses on Stark.

Ground floor residential uses on Burnside within the area identified on the **Appendix 9.000** map (Rockwood Town Center Mixed Used 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 and Pedestrian Design Criteria and Standards of Section 7.0210 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.

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**Table 4.0430 Development Requirements For Corridor Districts**

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[Footnote] 7 Ground floor window standards for commercial buildings on Design Streets transit streets (**Section 7.0210**) do not apply to residential developments.

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**Section 4. Volume 3, DEVELOPMENT CODE, Section 4.1400 Pleasant Valley Plan District, is amended as follows:**

**Table 4.1421 Mixed-Use and Employment Sub-districts**

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[Footnote] 3. Ground floor window standards for commercial buildings on Design Streets transit streets (Section 7.0210) do not apply to ground floor residential development.

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**4.1438 General Development Standards**

The following standards apply to all regulated development within the ESRA-PV sub-district with the exception of rights of ways and public access easements (subject to **Section 4.1442**), ~~trails (subject to Section 4.1444)~~, utilities, utility lines and stormwater facilities (subject to **Section 4.1441**), land divisions (subject to **Section 4.1443**), and mitigation projects (subject to **Section 4.1445** or **4.1446**):

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**4.1442 Standards for Rights of Ways and Public Access Easements**

The following standards apply to public rights of way and Public Access Easements within the ESRA-PV sub-district, including roads, bridges/stream crossings, trails and pedestrian paths with impervious surfaces:

- A. Where the right-of-way or public access easement crosses a stream, the crossing must be by bridge or a bottomless culvert;
- B. No fill or excavation can occur within the ordinary high water mark of a stream, unless necessary and any required permits are obtained from the US Army Corps of Engineers, and/or the Oregon Department of State Lands;
- C. The Department of State Lands has approved any work that requires excavation or fill in a wetland;
- D. Any work that will take place within the banks of a stream must be conducted during the specified in water work window, as determined by Oregon Department of Fish and Wildlife for each specific water body, or must be approved by the Oregon Department of Fish and Wildlife; and

E. Mitigation is required, subject to **Section 4.1445** or **4.1446**.

#### **4.1444 Standards for Trails**

The following standards apply to trails within the ESRA-PV sub-district:

A. All trails must be setback at least 50 ft. from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Pleasant Valley Park and Trail Plan or 2009 Gresham Parks and Recreation, Trails and Natural Areas Master Plan; and

B. Mitigation is required, subject to **Section 4.1445** or **4.1446**.

**Section 5. Volume 3, DEVELOPMENT CODE, 4.1500 Springwater Plan District, is amended as follows:**

#### **4.1577 Uses Allowed Under Prescribed Conditions**

The following uses within the ESRA-SW sub-district are subject to the applicable standards listed in **Sections 4.1578** through **4.1587**, and others as applicable.

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D. Trails/pedestrian paths when not exempted by **Section 4.1576**, subject to ~~**Section 4.1584**~~ (for trails) or ~~**Section 4.1582**~~ (for paved pedestrian paths).

#### **4.1578 General Development Standards**

The following standards apply to all regulated development within the ESRA-SW sub-district with the exception of rights of ways and public access easements (subject to **Section 4.1582**), ~~trails (subject to **Section 4.1584**)~~, utilities, utility lines and stormwater facilities (subject to **Section 4.1581**), land divisions (subject to **Section 4.1583**), and mitigation projects (subject to **Section 4.1585** or **4.1586**):

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#### **4.1582 Standards for Rights of Ways and Public Access Easements**

The following standards apply to public rights of way and public access easements within the ESRA-SW sub-district, including roads, bridges/stream crossings, trails and pedestrian paths with impervious surfaces:

A. Where the right-of-way or public access easement crosses a stream the crossing must be by bridge or a bottomless culvert;

B. No fill or excavation can occur within the ordinary high water mark of a stream;

C. The Oregon Department of State Lands (DSL) has approved any work that requires excavation or fill in a wetland;

D. Any work that will take place within the banks of a stream must be conducted between June 1 and August 31, or must be approved by the Oregon Department of Fish and Wildlife; and

E. Mitigation is required, subject to **Section 4.1585** or **4.1586**.

#### **4.1584 Standards for Trails**

The following standards apply to trails within the ESRA-SW sub-district:

A. All trails must be setback at least 50 feet from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Springwater Parks, Open Space and Trails Master Plan or 2009 Gresham Parks and Recreation, Trails and Natural Areas Master Plan (or its successor); and

B. Mitigation is required, subject to **Section 4.1585** or **4.1586**.

**Section 6. Volume 3, DEVELOPMENT CODE, Article 6 Land Divisions, is amended as follows:**

**6.0325 Streets and Access, Public or Private Status**

All PD proposals shall include a future street/neighborhood circulation plan as per **Section 9.0700**. Streets provided within a PD shall be public streets, unless it is determined by the City that neighborhood street connectivity is not necessary for the provision of access through the PD to other properties, either for purposes of public safety and/or efficiency of traffic circulation and access. Public paths and trails identified as transportation facilities in the Transportation System Plan shall be located within public rights-of-way or public access easements, unless otherwise approved by the City. Private streets may be allowed within a PD if the future street/neighborhood circulation plan demonstrates that connectivity is not necessary through the PD to other properties (as described above), and, the applicant can demonstrate how on-going maintenance of the private streets will be provided for. All streets and public paths and trails shall be designed and constructed according to applicable standards of **Appendix 5.000, Section A.5.400-Streets** and the Public Works Standards document.

**Section 7. Volume 3, DEVELOPMENT CODE, Section 7.0103 Two or More Units, Elderly Housing and Mixed-Use (Residential) Design Guidelines and Standards is amended as follows:**

**A. Site Design**

**1. Integrated Site Design**

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**d. Design Standards**

**1. Building Orientation**

**a. For buildings without a courtyard**

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v. Where a building is on a corner lot that fronts two abutting streets, a dwelling unit at the corner of the building needs to be oriented to a minimum of one of the streets. However, if one of the abutting streets is a Design Transit Street, a corner dwelling unit shall be oriented to the Design Transit Street.

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**A. Site Design**

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**7. Pedestrians, Bikes and Transit**

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**d. Design Standards**

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**3. Transit Connections**

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b. Primary building and entry orientation(s) shall be to streets with public transit (bus and/or a light rail station) or to a central courtyard that opens to the street rather than to a parking lot. Buildings shall have at least one (1) of their primary entrances oriented toward a Design Transit Street.

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**Section 8. Volume 3, DEVELOPMENT CODE, Section 7.0202 Commercial (except those in a Design District), Institutional and Mixed Use Developments (Non-Residential Component) is amended as follows:**

**7.0210 Transit and Pedestrian Design Criteria and Standards**

**A. Purpose and Applicability**



1. Transit and Pedestrian Design Criteria and Standards are intended to provide for convenient, direct, and accessible pedestrian routes to and from public sidewalks and transit facilities and other pedestrian destinations; to provide for safe, pleasant, and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and to promote the use of pedestrian and transit modes to retail and commercial facilities. Standards for windows and walls are designed to encourage surveillance opportunities, to avoid a monotonous pedestrian environment, and to prevent fortress-like facades along public streets.

2. Transit and Pedestrian Design Criteria and Standards shall apply to development along designated Design Streets as shown on Figure 7.210 Transit Streets and in those Station Center lands that are not within the Rockwood Design District. **Section 7.0210(B)(8)** and **Section 7.0210(B)(10)(b)** do apply to developments within the Rockwood Design District.

3. Exceptions to Transit and Pedestrian Design Criteria and Standards on Design Transit Streets

a. Certain motor vehicle service uses permitted in the underlying district are exempt from Transit and Pedestrian Design Criteria and Standards: These uses include gas pump islands, service stations, car washes, and vehicle service bays. However, walk-in retail uses such as a mini-mart or convenience store connected with a motor vehicle service use, are not exempt.

b. Industrial uses within the General and Heavy Industrial Districts.

c. When a site has frontage on both a Design Transit Street and on other streets, the Transit and Pedestrian Design Criteria and Standards shall apply only to site development along the Design Transit Street frontage, unless otherwise specified.

4. Orientation/ Design of Building and Entrance for Non-Residential Buildings on Design Transit Streets and in those Station Center lands that are not within the Rockwood Design District.

a. Primary building and entry orientation shall be to the street rather than to a parking lot. All buildings shall have at least one (1) of their primary entrances oriented toward a Design Transit Street, or (if no Design Transit Street in the Station Center lands that are not within the Rockwood Design District) toward an adjacent street. A building may have more than one primary entry as defined in the Building Code. When a primary entrance is located on more than one street, the full address (including street name) shall also be clearly posted on or near the entrance not bearing the assigned street address.

b. If a lot has frontage on more than one Design Transit Street, the building shall provide one primary entrance oriented to a Design Transit Street or shall provide a single entrance at the corner where two streets intersect.

c. Buildings shall have a primary entrance connecting directly between the Design Transit Street (or other abutting street when there is no Design Transit Street) and the building interior. Primary entrances for non-residential development shall be open to the public during all business hours.

d. Primary building entrances shall be architecturally emphasized and visible from the street.

e. All building entrances and exits shall be well lighted. All unit entrances shall be posted with the assigned address as determined by the Manager. Failure to post an address as assigned by the Manager shall constitute a violation of the Code. Exterior lighting should be an integral part of the architectural and landscape design. The minimum lighting level for non-residential building entries is an average of 3.5 foot-candles. Lighting shall be a pedestrian scale (3 feet to 12 feet) and the source light shall be shielded to reduce glare.

f. For building facades over 300 feet in length on a Design Transit Street, two or more primary entrances facing the street must be provided.

g. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.

h. Building entries must comply with the accessibility standards as outlined in the Building Code.

5. Ground Floor Windows, Window Walls, Blank Walls, and Design for Non-Residential Buildings on Design Transit Streets and in those Station Center lands that are not within the Rockwood Design District.

- a. All development shall provide ground floor windows along street facades. Required window areas must be either windows that allow views into working areas or lobbies, or pedestrian entrances, or display windows. Required windows shall have a sill no higher than 4 feet above grade, except as follows: Where interior floor levels prohibit such placement, the sill height may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
- b. For any wall within 30 feet of a street, at least 20% of the ground floor wall area facing the street shall be display areas, windows, or doorways. Blank walls are prohibited.
- c. Darkly tinted windows and mirrored windows that block two way visibility are prohibited as ground floor windows along street facades.
- d. Buildings must include changes in relief on 15% of their street facades such as cornices, bases, window treatments, fluted masonry, or other designs for pedestrian interest and scale.
- e. Building facades greater than 100 feet in length shall have offset jogs, using elements such as bay windows and recessed entrances for pedestrian scale.

6. Except for uses exempted under **Section 7.0210(A)(3)**, **Section 9.0821** (Parking Lot Location on Design Transit Streets) shall apply to parking lots on sites that are subject to the Transit and Pedestrian Design Criteria and Standards.

7. Service and Loading areas shall be located in accordance with the restrictions of **Section 9.0822(A)(12)**.

**B. Additional Design Criteria and Standards for Station Center lands that are not within the Rockwood Design District:**

1. All development within the Station Center lands that are not within the Rockwood Design District shall follow standards for Orientation/Design of Building and Entrance of **Section 7.0210(A)(4)** and parking lot location standards of **Section 9.0821**. However, single-family attached dwellings and duplexes which are not located on a Design Street ~~transit street~~ are exempt from the parking location standards of **Section 9.0821(A) and (B)**. Development within the Station Center lands that are not within the Rockwood Design District shall also meet the following additional criteria of **subsections (B)(3) through (B)(10)** below.

2. Exceptions: As specified in **subsections (B)(3) through (10)** below, some Additional Transit and Pedestrian Design Criteria apply only to sites that abut or face a transit station (across the street) or that abut a street containing a transitway (e.g. Burnside). Some criteria may not apply to sites with unique physical characteristics.

**3. Pedestrian Environment and Access to Transit Facilities – All Sites**

- a. Development shall provide convenient, direct, and barrier-free pedestrian circulation between buildings and adjacent light rail stations, park and ride facilities, public sidewalks, and pedestrian routes. All buildings and sites shall orient their interior and on-site pedestrian circulation to the closest adjacent light rail station. Pedestrian activity centers within one-quarter mile walking distance should also be considered in the layout of pedestrian circulation.
- b. On-site vehicular and pedestrian circulation shall be designed to minimize vehicular/pedestrian conflicts (e.g. driveway crossings).
- c. Enhanced pedestrian spaces and amenities accessible to the public are encouraged, such as plazas, arcades, galleries, courtyards, outdoor cafes, widened public sidewalks (more than 6 feet wide outside the public right of way), benches, shelters, street furniture, public art, kiosks, and street vending. Arcades (covered walks) are encouraged between public art, kiosks, and street vending. Covered walks are also encouraged between primary building entries and adjacent public sidewalks and on other on-site walkways.

**4. Building Facades Adjacent to Transit Facilities**

- a. Site abutting or facing a light rail station: Building should maintain a continuity in design elements with the stations, such as roof lines and materials, and should connect to existing or proposed transit pedestrian spaces and amenities and to transit station landscape treatments.
- b. All Sites: Buildings should avoid blank walls and provide a series of openings (windows, entries, display areas) on facades which are at street level and/or which face a light rail station.
- c. All Sites: Enhanced pedestrian spaces as described in **subsection (3)(c)** above.

**5. Building Orientation to Light Rail Transit**

- a. Site abutting or facing a light rail station, or abutting a street containing a transitway: At least one primary building entry and facade shall face the station or the transitway street.
- b. Site abutting or facing a light rail station: All building(s) and site design arrangements shall be linked as directly as possible to the light rail station by a continuous on-site landscaped courtyard plaza or square that leads directly to the station and public walkways accessing the station. Areas for the courtyards, plazas, or squares must contain seating and 20% landscape areas including trees within the enhanced areas.

**6. Required Parking and Parking Location - All Sites:** Parking and maneuvering areas, except spaces designated for park and ride or kiss and ride use, should be located on portions of a site that are furthest in walking distance from an adjacent light rail station.

**7. Building Setback Variation – All Sites:** The required minimum building yard setback standards of the underlying land use district may be reduced to zero. Minimum yard setbacks shall apply to off street parking spaces.

**8. Incidental Drive-Through Uses – All Sites:** Drive through uses as defined in **Section 3.0103** are not permitted, except when such use is incidental to a primary site use and when designed in conformance with the following standards:

- a. The incidental drive-through use is limited to one service window which is part of a primary use structure and to no more than two queuing lanes. Vehicular service bays or islands are not permitted.
- b. On a street containing a transitway, no curb cuts are permitted for the exclusive use of drive-through queuing or exit lanes.
- c. The drive-through service window and queuing lane(s) are located as far as practical from the closest light rail transit station or a street containing a transitway, and not adjacent to such transit facilities.

**9. Service and Loading Areas -- All Sites.** Service and loading areas shall be visually screened from a light rail station or transitway. See also the restrictions of **Section 9.0822(A)(12)**.

**10. Special Criteria for sites abutting or facing a light rail station or park and ride facility contiguous to a light rail station (e.g., Cleveland, or City Hall).** The manager shall approve a development when the applicant can demonstrate compliance with relevant portions of the Community Development Plan and the following criteria are satisfied:

- a. The development satisfies applicable design review criteria and standards, especially those related to transit development (**Sections 7.0210 (A) and (B)**). Also see the applicable parking standards in **Section 9.0800** and the applicable transit standards found in **Section A5.504**.  
The development satisfies the applicable Public Transit Services and Central Area Development Policy Implementation strategies in Volume II, Policies, Gresham Community Development Plan.

**Section 9. Volume 3, DEVELOPMENT CODE, Section 7.0503 Rockwood Design District Design Guidelines and Standards is amended as follows:**

**7.0503 Rockwood Design District Design Guidelines and Standards**

**1. Triangle Area**

**A. Site Design**

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**4. Building Orientation and Entries**

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**D. Design Standards: All Development**

1. Each building shall provide at least one (1) entry facing the primary street on which the building is located. The primary street shall be the street of highest functional classification or Design Transit Street as determined by the Manager or Design Commission. For sites abutting or facing a light rail station or abutting a street containing a transit way, at least one primary building entry and façade shall face the station or transit way street.

2. If a building is located at the intersection of two (2) streets classified as a major or standard arterial, boulevard or Design Street, ~~transit street~~, an entry shall be located at the building corner or within ten (10) feet of the corner. The full address assigned by the Manager shall be posted on or near the entrance not bearing the assigned street address. Failure to post an address as assigned by the Manager shall constitute a violation of Code.

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**Section 10. Volume 3, DEVELOPMENT CODE, Section 7.0600 Commercial Design Guidelines and Standards is amended as follows:**

**7.0601 Corridor Design District Commercial Design Guidelines and Standards**

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**D. How to Use this Code:**

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**5. Exemptions:**

Commercial development which follows this Code is exempted from the following sections:

- a. 7.0202: Commercial, Institutional and Mixed-Use Developments (Commercial Component);
- b. 7.0210: Transit and Pedestrian Design Criteria and Standards;
- c. 9.0823: Landscaping of Parking Lots; and
- d. 9.0824: Pedestrian Circulation/Walkways.

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**Section 11. Volume 3, DEVELOPMENT CODE, Section 7.0603 Corridor Design District Commercial Design Guidelines and Standards is amended as follows:**

**A. Site Design**

\*\*\*\*\*

**4. Building Orientation and Entries**

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**D. Design Standards:**

1. Each building shall provide at least one entry facing the primary street on which the building is located. The primary street shall be the street of highest classification or as determined by the Manager or Design Commission.

2. If a building is located at the intersection of two (2) streets classified as a major or standard arterial, boulevard or Design Transit Street, an entry shall be located on the building corner facing the intersection.

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**Section 12. Volume 3, DEVELOPMENT CODE, Section 8.0100, Special Uses, is amended as follows:**

**8.0117 Parks, Open Spaces, and Trails**

In addition to the standards in Section 8.0103, the following apply to Parks, Open Spaces, and Trails, limited to public neighborhood parks; public urban plazas; and public paths and trails and associated trail access points and trailheads where they are allowed through the Type II Special Use Review procedure:

**A. Exemptions**

1. Open spaces are exempt from a Special Use Review.
2. Those public paths and public trails that pursuant to Section 11.0102(E)(1) do not require a Development Permit are exempt from the standards of this section.

B. All Parks, Open Spaces and Trails, Access Points and Trailheads: uses are exempt from floor area ratio and maximum setback requirements.

**C. For Paths, Trails, Access Points and Trailheads:**

1. The applicant shall provide a narrative and plans that demonstrate the consistency of the proposal with applicable district requirements and applicable provisions of the 1996 Gresham Trails Master Plan, chapters 7 and 10.
2. If the application includes a surface parking lot it shall be consistent with Section 9.0823 and any applicable district parking requirements, except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in Section 9.0823(C)(1), (2) and (3) and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.
3. The Buffering and Screening Requirements of Section 9.0100 shall apply except in the following situations:
  - a. Where the proposed paths or trail development is more than 30 feet from an abutting property line; or
  - b. ~~Where the abutting property is an open space parcel; or~~
  - c. Where the proposed paths or trail development abuts a street right-of-way.
4. When buffering and screening is required, an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.
5. The application is exempt from the Site Design Criteria and Standards in Articles 4 and 7 relevant to: landscaping, energy conservation, loading, lighting, mechanical equipment screening and transit design.

**Section 13. Volume 3, DEVELOPMENT CODE, Section 8.0110 Special Use Review, Type II Procedure, is amended as follows:**

**8.0114 Elderly Housing**

In addition to the standards in Section 8.0103, the following apply to elderly housing where it is allowed through the Type II Special Use Review procedure:

**A. Elderly housing shall meet at least one of the following standards:**

1. Be located in the Station Center District; or
2. Be located in the Downtown Plan District; or
3. Be located in the Rockwood Town Center District; or
4. Be located in the Civic Neighborhood Plan District; or

**9.0308 Public Access Easement**

The approval authority may require a public access easement for sidewalks, paths and trails which are required for access and connectivity. Improvements within the easement shall be consistent with the Public Works Standards.

**9.0410 Fencing of Lots**

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D. The following standards apply to fences in the LDR-5, LDR-7, TLDR and TR Districts:

1. For new residential subdivisions and partitions, fences a minimum of 6 feet in height shall be installed on rear or side yards facing streets of higher classification than a local street (such as ~~community~~, collector and arterial) and shall be of a consistent, uniform appearance for the entire length of the subdivision or partition and built to the following standards:

\*\*\*\*\*

**Section 16. Volume 3, DEVELOPMENT CODE, Section 9.0800 Parking, is amended as follows:**

**9.0821 Parking Lot Location on Design Transit Streets and in the Civic Neighborhood Plan District**

A. Auto parking lots shall be located behind or beside buildings on one or both sides.

B. Auto parking and maneuvering areas (including any permitted drive-through service lanes) shall not be located between the street and the building facade with the primary entrance (abutting primary or secondary pedestrian street in the Civic Neighborhood).

C. Auto parking lots and maneuvering areas located to the side of a building cannot occupy more than 50% of the site's frontage onto a Design Street transit street or a primary or secondary pedestrian street in the Civic Neighborhood. When a site in the Civic Neighborhood has frontage on both a primary and a secondary pedestrian street, an auto parking lot located to the side of a building may occupy more than 50% of the site's frontage on the secondary pedestrian street.

D. Wherever possible, auto parking lots and maneuvering areas on corner lots should not be located adjacent to intersections.

E. In the Civic neighborhood, if a multi-block development includes a block or blocks with frontage on a primary pedestrian streets and a block or block without frontage, no block that has frontage on the primary pedestrian street may be entirely occupied with parking.

F. Exemption. On sites of less than 10 acres with an average down-slope from the abutting Design Street transit street in excess of 7%, parking may be located between the Design Street transit street and a building or located adjacent to a Design Street transit street intersection, provided that:

1. On-site pedestrian connections are made from the parking lot to all adjacent Design Street transit street in a direct as practical manner. Stairs may be required where curb ramps are impractical. Circuitous routes shall be avoided.

2. There is at least one direct accessible route, from the Design Street transit street and to the primary building entrance, part of which may be located along an adjacent intersecting street.

3. If the sloped site is adjacent to another street that intersects a Design Street transit street, then Design Transit Street, Downtown Plan and Civic Neighborhood design standards that apply to Design Transit Streets shall apply to the adjacent street instead of the Design Street transit street.

4. On the adjacent street frontage, auto parking lots shall be located behind or beside buildings on one or both sides. Auto parking and maneuvering areas shall not be located between the building facade with the primary entrance and the adjacent street.

(For purposes of subsection (F), the slope perpendicular to the street, shall be the average as measured at regular intervals between the transit street frontage. The average slope shall be measured between the street and the rear lot line, prior to any grading.)

**9.0822 Surface Parking Lot Design**

A. All parking areas shall meet the following minimum design standards. By definition, parking for detached, duplex, or single family attached dwellings are exempt from these requirements.

\*\*\*\*\*

5. Be located in the Townhouse Residential – Springwater District; or
6. Have frontage on a Transit Street or a Transit Route, ~~as identified in Section A5.500 of the Community Development Code\*~~; or
7. Be within 1,000 feet walking distance of a transit facility and have direct access to a street with a functional classification of minor arterial or greater. For the purposes of this section, a transit facility includes a light rail transit station, a park and ride lot for transit riders, a transit center, or a transit stop and their transit improvements, including a bus stop.

\*The following properties zoned MDR-12, MDR-24 and OFR meet the transit street or transit route standard:

- Those fronting Palmquist between Regner Road and Hogan Drive
- Those within the borders of Hogan Drive, Palmquist, Powell and Mt. Hood Highway
- Those fronting Hogan Drive/Road
- Those fronting Cleveland Avenue between Burnside and Stark
- The MDR-12 lots fronting NE 185th Place north of Glisan Street

B. Elderly housing shall meet the minimum density, if any, of the underlying land use district and shall not exceed a maximum of 62 living units per acre in all other land use districts or the maximum allowed in the land use district, whichever is greater.

**Section 14. Volume 3, DEVELOPMENT CODE, Section 8.0140 Special Use Review, Type III Procedure, is amended as follows:**

**8.0142 Applicability of the Type III Procedure**

The following uses are subject to the Type III Special Use Review procedure:

- A. Commercial Parking
- B. Major Event Entertainment (Section 8.0144)
- C. Waste Management (Section 8.0145)
- D. Civic Uses, excluding those subject to the Type II procedure
- E. Medical Uses (Section 8.0146)
- F. Parks, Open Spaces, and Trails, limited to golf courses, community parks, and regional parks, ~~multi-use paths and associated access points~~ (Section 8.0147)
- G. Religious Institutions, limited to those where the principal place of assembly may accommodate more than 300 individuals (Section 8.0148)
- H. Schools, limited to high schools, community colleges and universities (Section 8.0149)
- I. Major Basic Utilities, limited to electrical generating facilities (Section 8.0150)

**Section 15. Volume 3, DEVELOPMENT CODE, Article 9 Common Requirements is amended as follows:**

**9.0302 Pedestrian/Bicycle Accessway Easements**

In order to facilitate pedestrian and bicycle access from streets or lots to schools, parks or other nearby streets, the approval authority may require perpetual unobstructed pedestrian/bicycle accessway easements. Improvements within pedestrian/bicycle accessway easements shall be as described in Section A5.508.

**9.0306 Public Trail Easements**

If a development permit involves a parcel which is designated as the location of a portion of a public trail system, as shown in the 1996 Gresham Trails Master Plan, the 2009 Gresham Parks & Recreation, Trails and Natural Areas Master Plan or other similar adopted City plan, the City will encourage the owner to grant to the City an easement for that specific use, consistent with the requirements of Section A5.509.

12. Service and Loading Areas. Service and Loading areas shall not be located on the frontage of a light rail station or adjacent street, a transitway street, a Design Street transit street, or a primary or secondary pedestrian street.

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#### 9.0830 Bicycle Parking Purpose ~~Design Standards~~

All developments shall meet the following minimum requirements for bicycle parking and design:

- A. ~~Purpose. The purpose of these bicycle parking standards is to encourage the use of bicycles by providing safe and convenient places to park bicycles. The standards address the needs for both short-term and long-term bicycle parking. Bicycle parking is required in most land-use districts and categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. The required number of spaces is lower for uses that do not tend to attract bicycle riders and higher for those that do. Additionally, some bicycle parking is required on the basis of specifically encouraging employee, student or customer related bicycle use.~~

~~The main purpose of these design standards is to ensure that bicycle parking is visible from the street, is convenient to cyclists in its location, and provides sufficient security from theft and damage. Long-term bicycle parking spaces accommodate employees, students, residents, commuters, and other persons who expect to leave their bicycle parked for more than two hours. Long-term parking spaces provide a secure and weather-protected location to park bicycles. As discussed further below, the intent of these standards is to provide long-term bicycle parking that is within a reasonable distance of the use. Short-term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within approximately two hours.~~

- B. ~~Minimum Required Bicycle Parking Spaces and Methods: The required minimum number of bicycle parking spaces for each principal use is given in Table 9.0851. Minimums are provided for both short-term and long-term standards. Additional bicycle parking spaces may be required at common use areas.~~

#### 9.0831 Bicycle Parking Standards

##### A6. Long-Term Bicycle Parking-Bicycle Parking Location and Access

Required long-term bicycle parking must meet the following standards:

1. Long-term bicycle parking must be provided in racks, lockers or another manager approved type of parking that meet the standards of 9.0832, except that if long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers is required. Use. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
2. Location: Long-term bicycle parking must be located on the site. Lighting. Required bicycle parking must have a minimum lighting level of two (2) foot candles.
3. Location. Outdoor bicycle parking must be located closer to primary building entrances than auto parking, within 50 feet or less from the primary building entrances. Outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate bicycle parking areas (see Sign Code Section A6.050(C)). Bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require stairs to access the space; exceptions may be made for parking on upper stories within multi-story residential buildings.
4. Amenities. Bicycle parking areas are encouraged to include a bench and bicycle rack screened with 30-36 inches shrubs from any parked cars on major or standard arterial streets.
3. Covered spaces. All long-term bicycle parking must be covered per Section 9.0832(D) below.
4. Security. To ensure security, long-term bicycle parking for all uses except schools must be in at least one of the following locations:
  - (a) A locked room;
  - (b) An area that is enclosed by a fence with a locked gate. The gate must be either eight feet high, or be floor to ceiling.



- (c) Within view of an attendant or security guard;
- (d) Within 100 feet of an attendant or security guard;
- (e) In an area that is monitored by a security camera; or
- (f) Contained within a dwelling unit or classroom.

**B. Short-term Bicycle Parking**

Required short-term bicycle parking must meet the following standards:

- 1. Short-term bicycle parking must be provided in racks or lockers that meet the standards of subsection 9.0832.
- 2. Location: Short-term bicycle parking must be:
  - a. At the same grade as the sidewalk or at a location that can be reached by an accessible route;
  - b. Within 50 feet of at least one main entrance as measured along the most direct pedestrian route except that on an institutional campus the location of bicycle parking shall be as determined by the Institutional Campus Master Plan; and
  - c. Visible from the street, unless the applicant demonstrates that it is not feasible, in which case, the bicycle parking area shall comply with Section 9.0832(F).

**35.** Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access walk required by the Building Code. With approval of the Manager, short-term bicycle parking may be located in the public sidewalk or right-of-way, where this does not conflict with pedestrian accessibility and ADA access.

**9.0832 Additional Standards for All Bicycle Parking**

**A. Bicycle Lockers.**

Where required bicycle parking is provided in lockers, the lockers must be securely anchored.

**B. Bicycle Racks.**

Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required parking is provided in racks, the racks must meet the following standards:

- 1. If both wheels are left on the bicycle, the frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock;
- 2. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage it and
- 3. The rack must be securely anchored.

**C. Parking and Maneuvering Areas.**

- 1. Each required bicycle parking space must be accessible without moving another bicycle.
- 2. There must be an aisle at least five feet wide behind all bicycle parking to allow for bicycle maneuvering. If the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- 3. The area designated for bicycle parking must be hard-surfaced.

**D. Covered Bicycle Parking Spaces.**

- 1. Covered parking can be provided by locating bicycle parking within buildings; in bicycle lockers; under roof overhangs, awnings, arcades, or carports; or within or under other structures.
- 2. Where covered parking is not within a building or locker, the cover must be designed to protect the bicycle from precipitation, and at least seven feet above the floor or ground.

**E. Size of Space.**

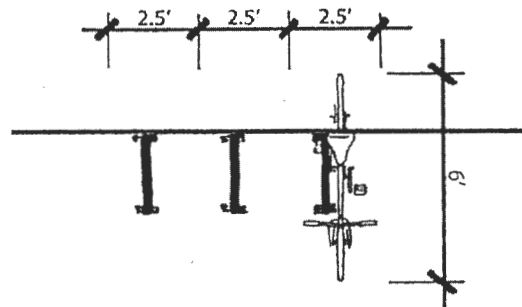
Bicycle parking spaces must be at least two feet wide and six feet long.

F. Signs.

When a bicycle parking area is not visible from the street, a directional sign must be posted at the main building entrance indicating the location of the bicycle parking (see Sign Code Section A6.050(C)).

—All required bicycle parking spaces must be sheltered from precipitation by means such as roof extensions, overhangs, awnings, arcades, carports or enclosures. Bicycle parking permitted in the public right of way is not required to be covered. Bicycle parking for public trails is not required to be covered except when located at picnic shelters where bicycle parking must be sheltered. Fifty percent of the required bicycle parking at transit stations, centers, and park and ride lots, must be lockable enclosures or lockers.

**FIGURE 9.0830 BICYCLE PARKING**



E. Bicycle Rack Types and Space Dimensions

1. Bicycle rack type. The racks provided in the required bicycle parking facilities shall ensure that bicycles may be securely locked to them without undue inconvenience.

a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Bicycle parking racks, shelters or lockers must be securely anchored to the ground or to a structure.

b. Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. A list of standard, acceptable bicycle racks, shelters and lockers will be provided by the City. This will not preclude other designs with approval of the Manager.

2. Bicycle Parking Space Dimensions. Bicycle parking spaces shall be at least 2.5 feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

a. Each required bicycle parking space must be accessible without moving another bicycle.

b. Bicycle parking spaces required by this Chapter may not be rented or leased except where required motor vehicle parking is rented or leased. At cost or deposit fees for bicycle parking are exempt from this requirement.

F. Paving and Surfacing of Bicycle Parking Area. Outdoor bicycle parking facilities shall be surfaced with hard surfacing material at least 2 inches minimum (i.e. pavers, asphalt, concrete or similar material). This surface must be designed to maintain a well-drained condition.

G. Exemptions. The following uses are exempted from Bicycle Parking requirements:

- Temporary, Intermittent and Interim Uses
- Food and Beverage Carts
- Agricultural
- Mini-storage facilities for household and consumer goods.
- Home Occupations

**9.0851 Standards for Minimum/Maximum Auto and Bicycle Parking**

Except as otherwise provided in the Downtown, Civic Neighborhood and Corridor Districts, the minimum and maximum parking for any development shall be as follows. For exceptions to minimum parking space standards, see Section 9.0853. For exceptions to maximum parking space standards, see Section 9.0854.

**Table 9.0851 - Minimum/Maximum Auto And Bicycle Parking Table**  
 [Note: Auto Parking Minimum and Maximum Columns are Hidden]

		<b>Bicycle Parking</b>		
	<b>Bicycle Parking</b>	<b>Long-Term[5]</b>	<b>Short-Term[5]</b>	
<b>(A) RESIDENTIAL</b>				
(1) One, two and three unit dwelling structures and single family attached dwellings <sup>3</sup>	None-Required	None	None	
(2) Attached dwellings containing four or more dwelling units				
(a) Studio and one-bedroom units	1-space-per-unit	1 per dwelling unit	1 per 20 for all multi-unit dwellings	
(b) Two-bedroom units	1-space-per-unit	1 per dwelling unit	1 per 20 for all multi-unit dwellings	
(c) Three or more bedroom units	1-space-per-unit	1 per dwelling unit	1 per 20 for all multi-unit dwellings	
(d) Visitor Parking <sup>4</sup>		None	None	
(3) Attached dwellings containing 4 or more dwelling units within the Rockwood Town Center and Station Centers Districts <sup>3</sup>	1-space-per-unit	1 per dwelling unit	1 per 20 for all multi-unit dwellings	
(4) Group Living				
(a) Elderly Housing	1 per 20 units first 100 units, 1 per 40 units thereafter	1 per 40 units	1 per 20 units first 100 units, 1 per 40 units thereafter	
(b) Residential Facilities or Homes	1 per 5 beds	1 space for every 5 beds	1 space for every 16 beds	
(5) Houseboat Moorage	None-Required	None	None	
<b>(B) COMMERCIAL</b>				
(1) Retail Services				
(a) Grocery stores and Supermarket	0.33 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 SF of floor area for stores less than 30,000 SF; 3, or 1 per 18,000 SF for stores greater than 30,000 SF of floor area	2, or 1 per 5,000 SF of floor area, with a maximum of 20 spaces	
(b) Commercial, Personal/Business Services	0.3 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 SF of floor area	2, or 1 per 12,000 SF of floor area	
(c) Retail Trade	0.3 space per 1,000 sq. ft. of floor area	2, or 1 per 12,000 SF of floor area	2, or 1 per 12,000 SF of floor area	
(d) Convenience Market	2 spaces per 1,000 sq. ft. of floor area	2, or 1 per 12,000 SF of floor area	2, or 1 per 12,000 SF of floor area	

	Bicycle Parking	Bicycle Parking	
		Long-Term[5]	Short-Term[5]
(e) Retail with bulky merchandise (Furniture, appliances, carpet)	0.3 space per 1,000 sq. ft. of floor area	<u>2, or 1 per 12,000 SF of floor area</u>	<u>2, or 1 per 12,000 SF of floor area</u>
(f) Hotel, Bed & Breakfast	1 space per 10 guest rooms	<u>1 per 20 guest room</u>	<u>1 per 40 guest rooms</u>
(g) Meeting Room	1 space per 40 seats in meeting rooms	<u>None</u>	<u>None</u>
(h) Eating or Drinking Establishments			
(i) Restaurants with drive through	1 space per 1,000 sq. ft.	<u>2, or 1 per 12,000 SF of floor area</u>	<u>2, or 1 per 5,000 SF of floor area</u>
(ii) Restaurants without drive through	1 space per 1,000 sq. ft. floor area		
(i) Sports Clubs/ Health Spas	0.4 spaces per 1,000 sq. ft. of floor area	<u>2, or 1 per 10,000 SF of floor area</u>	<u>2, or 1 per 5,000 SF of floor area</u>
(j) Arcades, Bowling Alleys, Skating rinks and other Indoor/Outdoor	0.4 space per 1,000 sq. ft. of floor area	<u>2, or 1 per 10,000 SF of floor area</u>	<u>2, or 1 per 5,000 SF of floor area</u>
(k) Tennis and Racquet Ball Clubs	0.2 spaces per 1,000 sq. ft. of floor area	<u>2</u>	<u>2, or 1 per 10,000 SF of floor area</u>
(l) Funeral Homes and Cemeteries	0.1 space per 1,000 sq. ft. of floor area	<u>1 per 40,000 SF of floor area</u>	<u>2 per 40,000 SF of floor area</u>
(m) Theaters and Auditoriums	0.04 space per seat or 60 linear feet bench seating	<u>2 or 1 per 450 seats</u>	<u>4 or 1 per 110 seats</u>
(n) Truck, Trailer, Boat Auto Rental or Sales	2 or 0.1 space per 1,000 sq. ft. of site area	<u>2, or 1 per 5,000 SF of building area</u>	<u>2</u>
(o) Open Air Commercial (Lumber) Yard, Nursery	2 or 0.1 space per 1000 sq. ft. of site area	<u>2, or 1 per 5,000 SF of building area</u>	<u>2</u>
(p) Equipment Rental, Moving Supplies or Mini- storage facilities	2 or 0.1 space per 1,000 sq. ft. of site area	<u>Equipment, Rental &amp; Moving Supplies: 2, or 1 per 5,000 SF of building area.</u>  <u>Mini-storage: 2</u>	<u>2</u>
(q) Commercial Schools	0.3 spaces per 1,000 sq. ft. of floor area	<u>2, or 1 per 20,000 SF</u>	<u>2, or 1 per 4,000 SF</u>
(2) General Office	1 space per 2,000 sq. ft. of floor area	<u>2, or 1 per 5,000 SF of floor area, with a maximum of 30 spaces</u>	<u>2, or 1 per 10,000 SF of floor area, with a maximum of 10 spaces</u>
(3) Medical and Dental Clinics	0.4 spaces per 1,000 sq. ft. of floor	<u>2, or 1 per 5,000 SF of floor area for buildings less than 30,000 SF of</u>	<u>2, or 1 space per 20,000 SF of floor area</u>

		<b>Bicycle Parking</b>		
	<b>Bicycle Parking</b>	<b>Long-Term[5]</b>	<b>Short-Term[5]</b>	
		<u>floor area: 6, or 1 per 7,500 SF for buildings greater than 30,000 SF of floor area</u>		
<b>(4) Vehicle Servicing</b>				
(a) Service Station	2 spaces or 0.2 per 1,000 sq. ft. of floor area, whichever is greater	<u>2, or 1 per 5,000 SF of floor area</u>	<u>1</u>	
(b) Service Station with Convenience Market with gas pumps	2 spaces or 0.2 spaces per 1,000 sq. ft. of floor area, whichever is greater	<u>2, or 1 per 12,000 SF of floor area</u>	<u>4, or 1 per 12,000 SF of floor area</u>	
(c) Vehicle Repair	2 spaces or 0.2 space per 1,000 sq. ft. of floor area, whichever is greatest	<u>2, or 1 per 5,000 SF of floor area</u>	<u>1</u>	
(d) Car Wash	2 spaces or 0.2 spaces per 1,000 sq. ft. of floor area, whichever is greatest	<u>2, or 1 per 5,000 SF of floor area</u>	<u>None required</u>	
<b>(5) Commercial Parking</b>				
(a) Commercial	1 space per 20 vehicle parking spaces	<u>n/a</u>	<u>n/a</u>	
(b) Light Rail Stations	10 spaces	<u>n/a</u>	<u>n/a</u>	
(c) Park-and-Ride	10 spaces per lot or 1 space per 40 vehicle parking spaces, whichever is greater	<u>n/a</u>	<u>Subject to Regional Center Plans, such as Downtown, Civic, and Rockwood Plans</u>	
(d) Transit Transfer Centers	4 spaces minimum or 10 spaces per acre, whichever is greater	<u>n/a</u>	<u>Subject to Regional Center Plans, such as Downtown, Civic, and Rockwood Plans</u>	
(e) Public Parking	1 space per 40 vehicle parking spaces	<u>n/a</u>	<u>Subject to Regional Centers Plans, such as Downtown, Civic, and Rockwood Plans</u>	
(6) Stadium, Arena, and Auditorium	1 space per 40 seats or 60 linear ft. of bench seating	<u>0, or per master plan review</u>	<u>2% of seats, or per master plan review</u>	
<b>(C) INSTITUTIONAL USES</b>				
<b>(1) Educational Institutions</b>				
(a) Pre-school Child Care Facilities or Kindergarten	4 spaces minimum or 0.5 space/classroom, whichever is greater	<u>2, or .5 per classroom</u>	<u>2, or .5 per classroom</u>	
(b) Elementary or Middle Schools	10 spaces minimum or 1 space per classroom, whichever is greater	<u>2, or .5 per classroom</u>	<u>2, or .5 per classroom</u>	

		<b>Bicycle Parking</b>		
	<b>Bicycle Parking</b>	<b>Long-Term[5]</b>	<b>Short-Term[5]</b>	
(c) High School	10 spaces minimum or 1 space per classroom, whichever is greater	<u>2, or 5 per classroom</u>	<u>2, or 5 per classroom</u>	
(d) College	0.3 spaces per 1,000 sq. ft. of floor area (excluding dorms, for which Residential Facility standards apply)	<u>2, or 1 per 20,000 SF, or per master plan review</u>	<u>2, or 1 per 4,000 SF</u>	
(2) Religious Institutions	1 space per 40 seats or 1 space per 60 linear feet of bench seating	<u>1, or 1 per 10,000 SF of floor area</u>	<u>2, or 1 per 4,000 SF of floor area</u>	
(3) Libraries, Museums and Cultural Institutions	1.5 spaces per 1,000 sq. ft. of floor area	<u>2, or 1 per 6,000 SF of floor area</u>	<u>4, or 1 per 1,500 SF of floor area</u>	
(4) Hospitals	0.2 spaces per 1,000 sq. ft. of floor area (excluding on-campus medical office buildings for which medical or dental office standards apply)	<u>6, or 1 per 7,500 SF of floor area or as determined based on institutional master plan review</u>	<u>2, or 1 per 20,000 SF of floor area, or as determined on institutional master plan review</u>	
(5) Adult or Senior Center	0.2 spaces per 1,000 sq. ft. of floor area	<u>1 per 20,000 SF of floor area</u>	<u>2, or 1 per 20,000 SF of floor area</u>	
(6) City Recreation Center	0.3 spaces per 1,000 sq. ft. of floor area	<u>2, or 1 per 10,000 SF of floor area</u>	<u>2, or 1 per 5,000 SF of floor area</u>	
(7) Marina, Boat Moorage	1 space per 40 berths	<u>None required</u>	<u>None required</u>	
(8) Helicopter Landing Facility	None Required	<u>None required</u>	<u>None required</u>	
<b>(9) Institutions</b>				
(a) Welfare Institutions	1 space per 5 beds	<u>2, or 1 per 20 residents</u>	<u>2, or 1 per 5 residents</u>	
(b) Convalescent Hospital, Sanitarium	1 space per 20 beds for first 100 units; 1 per 40 beds thereafter	<u>2, or 1 per 20 units first 100 units, 1 per 40 units thereafter</u>	<u>2, or 1 per 50 units first 100 units, 1 per 100 units thereafter</u>	
(10) Private Utility (gas, electric, telephone etc.)	1 space per 2,000 sq. ft. of office floor area	<u>0.3 spaces per 1,000 SF of office floor area</u>	<u>2, or 1 per 1,000 SF of office floor area</u>	
(11) Parks and Open Space	4 spaces or 1 space per 20 vehicle parking spaces, whichever is greater	<u>n/a</u>	<u>Parks: 2, or 1 per every 2 acres. Open Space: n/a</u>	
<b>(D) INDUSTRIAL</b>				
(1) Manufacturing, Processing, Packing Assembly, & Fabrication	Short-term: none Long-term: 2, or 1 per 25,000 sq. ft. of floor area, whichever is greater. Maximum of 20 required*	<u>2, or 1 per 25,000 SF of floor area, with a maximum of 20 spaces</u>	<u>None required</u>	
(2) Warehouse, Freight	Short-term: none	<u>2, or 1 per 25,000</u>	<u>None required</u>	

	<b>Bicycle Parking</b>	<b>Bicycle Parking</b>	
		<b>Long-Term[5]</b>	<b>Short-Term[5]</b>
Movement Distribution, and Storage	Long-term: 2, or 1 per 25,000 sq. ft. of floor area; whichever is greater. Maximum of 20 required*	<u>SF of floor area, with a maximum of 20 spaces</u>	
(3) Wholesale, Retail Sales	Short-term: none Long-term: 2, or 1 per 25,000 sq. ft. of floor area; whichever is greater. Maximum of 20 required*	<u>Wholesale: 2, or 1 per 25,000 SF of floor area, with a maximum of 20 spaces. Retail Sales: see Commercial Retail Services B(1)</u>	<u>Retail Sales: see Commercial Retail Services B(1)</u>
(4) Industrial, Commercial Services	0.1 space per 1,000 sq. ft. of floor area	<u>See Commercial Retail Services B(1)</u>	<u>See Commercial Retail Services B(1)</u>
(5) Laboratories, Research and Development Facilities	Short-term: none Long-term: 2, or 1 per 25,000 sq. ft. of floor area; whichever is greater. Maximum of 20 required*	<u>2, or 1 per 25,000 SF of floor area with a maximum of 20 spaces</u>	<u>None required</u>
<b>(E) NOT SPECIFICALLY MENTIONED</b>	<u>For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.</u>	<u>For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.</u>	<u>For a use not listed above, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the Manager.</u>

\*More bike parking spaces may be provided at the discretion of the use.

Table Notes:

1. Enclosed outdoor seating area shall count as floor area in determining parking requirement for restaurants without drive-through.
2. The burden shall be on the applicant to demonstrate that the parking being proposed will be adequate to serve the project. The parking plan shall consist of the following:
  - a. There shall be one parking space for every 0.8 employee, based on the maximum number of employees during any single shift;
  - b. There shall be one parking space for each visitor based on the average number of visitors expected during peak visiting hours;
  - c. To determine the parking required for the project residents or tenants, consideration shall be given to the number of units or, in the case of a nursing facility, the number of beds; the type(s) of elderly housing proposed; the proximity of the facility to transit services, medical services, and shopping; and such other factors as the Manager finds appropriate.
3. See also applicable residential parking standards contained in Section 9.0870 and Section 4.0440.
4. Visitor parking for attached dwellings containing four or more dwelling units is required in addition to the minimum off-street parking required by items (a) through (c).
5. Where two methods are provided for establishing the minimum amount of bicycle parking requirement, the method which results in the most bicycle parking shall apply.

**9.0854 Exceptions to Maximum Parking Space Standards**

\*\*\*\*\*

B. In the following land use districts, the Manager, under Type II procedures, may approve exceptions to the maximum parking space standards based on the criteria provided below:

1. Station Center and Rockwood Town Center Districts.

a. The proposed development is highly supportive of the intent of the Station Center District, or Rockwood Town Center District, or Design Transit Street Designations stated in **Sections 4.0400** and **7.0210** ~~A5.501(G)~~, if applicable, and

\*\*\*\*\*

**Section 17. Volume 3, DEVELOPMENT CODE, Section 10.1400 Food and Beverage Carts, is amended as follows:**

**10.1640 Standards for Food and Beverage Carts**

\*\*\*\*\*

Q. For drive-through carts, the following standards apply:

\*\*\*\*\*

2. Drive-through stacking lanes and service areas shall not be located between the street and the Food and Beverage Cart along Design Transit Streets, in Design Districts and other locations where those elements are not allowed between a building and the street.

\*\*\*\*\*

**Section 18. Volume 3, DEVELOPMENT CODE, Section 10.1400 Temporary, Intermittent and Interim Uses is amended as follows:**

**10.1440 Additional Standards for Temporary Uses**

\*\*\*\*\*

C. Commercial Stands, Short Term

\*\*\*\*\*

9. Drive-through stacking lanes and service areas shall not be located between the street and the Commercial Stand along Design Transit Streets, in Design Districts and other locations where those elements are not allowed between a building and the street.

\*\*\*\*\*

**Section 19. Volume 3, DEVELOPMENT CODE, Article 11 Procedures, is amended as follows:**

**11.0102 Exclusions from Development Permit**

\*\*\*\*\*

E. The following activities do not require a Development Permit, except in the Habitat Conservation Area, Floodplain, Hillside Physical Constraint Overlay District, Environmentally Sensitive/Restoration Area – Pleasant Valley (ESRA-PV), and Environmentally Sensitive Resource Area – Springwater (ESRA-SW):



1. The establishment, construction, maintenance, or termination of minor basic utilities and the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas lines, communication and data lines, and telephone and television cable lines; and public paths and trails which are identified in the Gresham Community Development Plan as a transportation facility, constructed by a public agency, and are within a public right-of-way or a public access easement.
2. Construction, maintenance, or demolition of an accessory structure that does not require a building permit.
3. Excavation or filling of land not exceeding 50 cubic yards within any 1 year period and the following activities:
  - a. Excavations below finish grade for basements and footings of a building, retaining walls
  - b. Cemetery graves
  - c. Excavations for wells, tunnels, or utilities
  - d. Exploratory excavations under the direction of a soils engineer or engineering geologist
  - e. An excavation which is less than 2 feet in depth or which does not create a cut slope greater than 5 feet in height and steeper than 2 horizontal to 1 vertical
  - f. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical; or less than 3 feet in depth, not to exceed 50 cubic yards on any one lot and does not obstruct a drainage course
  - g. Grading for a parcel that conforms to an approved grading plan

\*\*\*\*\*

**Section 20. Volume 3, DEVELOPMENT CODE, Appendix 3.000 Guarantee of Completion is amended as follows:**

**A3.001 Guarantee of Completion**

When the applicant has an obligation to furnish a guarantee of completion the applicant shall provide such guarantee(s) of completion prior to the issuance of the development permit or the start of construction of privately financed public improvements. The guarantee(s) of completion required by this section or any other section of this code shall be in the form of a bond, ~~cash deposit~~ or other security acceptable to the Manager. The Manager may elect to accept a guarantee of completion that covers more than one obligation. Upon completion of the work and acceptance by the City, the guarantee of completion shall be released or returned.

**Section 21. Volume 3, DEVELOPMENT CODE, Appendix 5.000 Public Facilities is amended as follows:**

**A5.006 Subdivisions and Land Partitions**

- A. In all subdivisions and land partitions approved under this document, public streets and other public transportation facilities, sewer, water and storm drainage facilities shall be designed and constructed in accordance with City of Gresham Public Works Standards. All construction within the public right-of-way, and publicly owned utility easements shall be in conformance with the above standards.
- B. When required for continuation of City ~~streets~~-transportation and utility systems, streets, paths and trails, storm drains, sanitary sewers and waterlines shall be extended to the plat boundaries or to a terminus approved by the Manager where physical constraints prohibit compliance. Improvements outside the boundary of a phased subdivision may be staged as determined by the Manager.
- C. The ~~subdivision~~ plat shall be recorded prior to the issuance of any building permits.
- D. The Manager may approve issuance of up to 50 percent of the building permits after the public improvements are completed as described below:
  1. Sewer and water facilities are complete and operational, constructed to City standards and ready for acceptance (“Final” inspection corrections completed).
  2. Storm drain facilities are complete and operational, constructed to City standards and ready for acceptance (“Final” inspection corrections completed).

3. Streets are curbed and at least one lift (2-inch minimum section) of asphalt is installed. Streetlight installations shall be completed and ready for energizing.
4. As-built drawings of the sewer and water systems are submitted and accepted.
5. All site grading is completed and approved in accordance with the City of Gresham Public Works Standards, the City of Gresham Community Development Code and Gresham Revised Code.

**E.** Building permits for model homes may be approved prior to the 50 percent of permit release, subject to the following conditions:

1. One model home is permitted for a ~~subdivision~~ land division with a total of 20 or fewer ~~subdivision~~ lots in all phases. For a subdivision with a total of more than 20 ~~subdivision~~ lots in all phases, the maximum number of model homes permitted for each phase shall be 10 percent of the total number of lots in that phase, rounded down to the nearest whole number.
2. The final plat must be recorded prior to issuance of the model building permit.
3. The applicant ~~subdivider~~ must select the lot or lots for the model homes and the Manager must approve the selection.
4. Fire coverage, including emergency access and water supply, are approved by the Fire Department.

Connection to the sewer, water and storm drain systems will not be permitted until those systems are complete and approved by the Manager.

**F.** 100% release of building permit shall not be allowed until:

1. All public improvements necessary to serve structures that could be built pursuant to such building permits have been accepted by the Manager,
2. All fees and charges related to such public improvements have been paid, and
3. All work is completed in accordance with applicable standards including but not limited to this Code and Public Works Standards, the Gresham Revised Code, and applicable conditions of approval.

**G.** If the criteria for 100% release of building permits have not been met, the Manager may elect, if it is in the best interest of the City, to approve release of additional building permits. The Manager shall ensure that the City's and public's interests are adequately protected before releasing any additional permits.

#### **A5.403 Truck Restrictions**

For Minor Arterial streets, trucks will be allowed if the trip destination is on a connecting residential or commercial local street.

For ~~Community Street~~, Local, Local: Queuing Street, Local: Lane, Minor Access Street and Cul-de-sac streets, no trucks will be allowed in residential or commercial areas except local delivery or service vehicles.

#### **A5.501 Streets**

\*\*\*\*\*

#### **G. Other Classifications**

Several other specialized classifications have been created to indicate streets with specialized characteristics of major transit routes, private local streets, and scenic routes.

##### **1. Transit Street**

A street which serves a significant function of carrying high volume transit service. The traffic carrying function is secondary to its transit service function. Ease of pedestrian movement and pedestrian safety and transit-supportive development are primary considerations on this type of street. This designation is applied in addition to the basic street classification. Transit streets are designated on selected streets which currently or are planned to have a high frequency of weekday transit service and some service seven days a week. The criteria for transit street designation are:

- a. Current 20 minute (or better) frequency of service, weekday peaks, and; Daytime and evening service, weekdays and; Weekend service on both Saturday and Sunday; or
- b. A street designated as a regional transit corridor in a regional growth plan or transportation plan, or designated a high capacity or primary transit route in the Gresham Transportation System Plan.

Future refinement of transit service levels and network may occur through future regional and local transportation system planning processes. ~~On transit streets, special transit design criteria apply to development, as well as citywide standards to create a transit and pedestrian supportive environment.~~

## 2. Transitway

A transitway serves as an exclusive right-of-way for transit use, either bus or light rail. A transitway will provide regional trunk route service which will be supported by a network of local feeder buses, transit centers, and park-and-ride facilities.

## 3. Transit Route

Transit routes are designated on all streets with current but infrequent transit service (that do not meet transit street service criteria). Transit routes are subject to future designation as transit streets, as future refinement of transit service levels and network occurs through the regional and local transportation system planning processes.

### **A5.509 Public Paths and Trails**

If required as a condition of the development approval, construction will be the responsibility of the applicant. Construction of paths and trails will be in accordance with the City of Gresham Public Works Standards.

A. In granting an easement for public paths and trails, the owner shall demonstrate compliance with the following criteria:

1. Recommended width for any trails easement shall be 25 feet or as acceptable to the Manager.
2. Trail easements shall allow for future construction of trails in accordance with specifications as to width and surfacing as contained in the City of Gresham Public Works Standards, 1996 Gresham Trails Master Plan.
3. Trail easements shall be located within a site in such a manner as to allow the trail to be buffered from existing and proposed dwellings on the site and on adjacent properties, and to maintain the maximum feasible privacy for residents.
4. Trail easements shall be located within a site so that future trails construction will avoid parking and driveway areas and other activity areas which might conflict with pedestrian movements.

B. Site area included within a trail easement shall be counted as a portion of the landscaped and open space area required for the proposed development.

### **A5.510 Underground Utilities**

A. Purpose:

Overhead utilities and associated poles clutter the streetscape and pose significant obstacles to pedestrian circulation, transit access, and the provision of pedestrian and transit facilities. Placement of utilities underground reduces these obstacles and provides an enhanced environment.

B. Standards:

1. All developments required to obtain a development permit pursuant to **Section 11.0101** shall, at the development's own cost, install new utility facilities needed for the development underground and relocate underground all existing utility facilities along all of the development's public street frontages or otherwise in or abutting the development. Utility facilities to be undergrounded include, but are not limited to, electrical, cable and telecommunication facilities and lines connecting traffic signals. The undergrounding requirement shall not apply to development permits obtained by utilities to establish, construct, maintain or terminate electrical power distribution lines and telephone and television cable transmission lines in the Flood Plain Overlay District, Hillside Physical Constraint Overlay District, in a natural resource district or where the utility would be exempt from obtaining a development permit pursuant to **Section 11.0102**.
2. Electric power lines 50,000 volts and above, ~~primary feeder lines, transformer vaults, transformer pads, and other similar utility facilities that the Manager determines would be technically unreasonable~~ infeasible to underground are exempted from these requirements. In cases where a portion of the facilities are technically infeasible to underground, the remaining overhead facilities shall still be subject to undergrounding requirements.

3. If the estimated cost of undergrounding existing overhead utilities exceeds 10% of the estimated cost to construct public improvements required in conjunction with the development, or exceeds 1% of the total development project value; then the developer shall be responsible for undergrounding an amount of overhead utilities equivalent to 10% of the estimated cost to construct public improvements required in conjunction with the development or 1% of the total project development project value, whichever is less, as the developer's proportional share of its impacts,  
~~, or the undergrounding requires the removal of two poles or less, or the undergrounding requires alteration of services on other properties; in lieu of undergrounding, the Manager may elect to require the developer shall to either pay a charge determined by the Manager based on estimated cost of undergrounding and/or relocation or sign an agreement committing the property to participate in the future cost of undergrounding and/or relocation. Notwithstanding any other law, if this "in lieu of" option is utilized, any effected utility shall not be required to bear subsequent undergrounding and/or relocation costs that would not have been incurred if the utility's facilities had been undergrounded pursuant to subsection (1) above~~

First reading: December 15, 2015

Second reading and passed: January 19, 2016

Yes: ECHOLS, FRENCH, HINTON, PALMERO, STEGMANN, WIDMARK

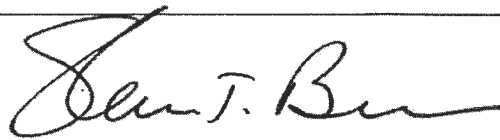
No: NONE

Absent: BEMIS

Abstain: NONE

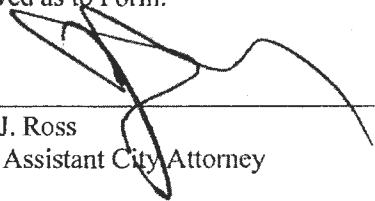


Erik Kvarsten  
City Manager



Shane T. Bemis  
Mayor

Approved as to Form:



David J. Ross  
Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE  
CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO ) Order No. 660  
VOLUME 3, DEVELOPMENT CODE, OF )  
THE GRESHAM COMMUNITY ) CPA 15-323  
DEVELOPMENT PLAN, REGARDING )  
TRANSPORTATION AND DEVELOPMENT )  
ENGINEERING UPDATES )  
)

On December 15, 2015, the City Council held a public hearing to take testimony on amendments to Volume 3 of the Gresham Community Development Plan regarding Transportation and Development Engineering updates.

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

The Council closed the public hearing at the December 15, 2015 meeting, and a decision was made at the January 19, 2016 meeting.

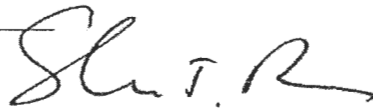
The Council orders that these amendments are approved based on standards, findings, conclusions and recommendations stated in the attached Planning Commission Order dated November 23, 2015, and staff report dated November 12, 2015.

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

Dated: January 19, 2016



\_\_\_\_\_  
City Manager



\_\_\_\_\_  
Mayor

BEFORE THE PLANNING COMMISSION OF THE  
CITY OF GRESHAM

TYPE IV RECOMMENDATION ORDER

CPA 15-323

A Type IV Legislative Public Hearing was held on November 23, 2015, to consider proposed amendments to Volume 3, Development Code, of the Gresham Community Development Plan related to Transportation and Development Engineering.

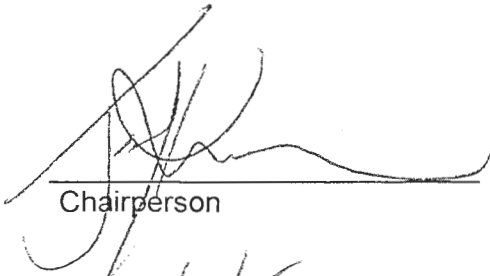
The Planning Commission closed the public hearing and made a final recommendation at the November 23, 2015 meeting.

Jef Kaiser, Vice-Chair, 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 Transportation and Development Engineering Development Code amendments to the City Council based on the findings, conclusions and recommendations of the November 12, 2015 Staff Report, with the following changes: amendments as stated in staff's final recommendation documented below.

- Definition of Design Streets – add “and effective transit access” to end of first sentence
- 9.0831 B.3 – add “and ADA access” to end of paragraph



\_\_\_\_\_  
Chairperson

11/23/15  
\_\_\_\_\_  
Date

CITY OF  
GRESHAM

MEMORANDUM

Department of Urban Design and Planning

STAFF REPORT  
TYPE IV HEARING — COMPREHENSIVE PLAN AMENDMENT

**Development Code Update - Transportation and Development  
Engineering**

To: Gresham Planning Commission

From: Kelly Clarke, Senior Transportation Planner

Hearing Date: November 23, 2015

Report Date: November 12, 2015

File: CPA 15-323

Proposal: To adopt comprehensive plan amendments to Volume 3 (Development Code) of the Community Development Plan with text amendments relating to Transportation (paths and trails, transit streets, bicycle parking) and Development Engineering (public improvements for land divisions, guarantee of completion, and underground utilities).

Exhibits: 'A' – Proposed Amendments to Volume 3, Gresham Community Development Code

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

# EXECUTIVE SUMMARY

## Background

This Development Code update project covers both Transportation and Development Engineering related elements of the Development Code. Council adopted the City of Gresham's 2035 Transportation System Plan (TSP) in January 2014. Through the TSP update process, a few transportation related elements in the Development Code were identified as potential challenges to its implementation but resource constraints restricted addressing them at that time. Subsequent to the TSP adoption, staff was awarded a Code Assistance grant through the State's Transportation and Growth Management program to address these remaining elements. The consulting firm, Angelo Planning Group, was hired to assist with this work using the grant funds. The barriers addressed in this project are related to 1) paths and trails, 2) transit streets, and 3) bicycle parking. Additionally, this project is proposing three development engineering amendment items related to public facilities and utilities that will add clarity to the Development Code and close some loopholes.

The proposed amendments:

- Align approval process for paths and trails with other transportation facilities such as roads and sidewalks so that they would be approved through the transportation engineering review process which includes significant public outreach.
- Fix a duplication of terms by renaming "transit streets" to "design streets" in the Development Code and adding a map to the Development Code showing the "Design Streets." Retain the term "transit streets" in the TSP. The proposed change will clarify the two different intents of: 1) location of pedestrian orientation in the Development Code, and 2) identification of high frequency transit streets in the TSP.
- Bring bike parking standards more in-line with regional and national standards and make requirements less onerous for developers.
- Provide City with control over when it will accept cash guarantees as a financial guarantee of completion for public improvements when one is required.
- Close a loophole in the Development Code by clarifying that the public utilities (streets, water lines, etc.) that are required for all land divisions are in place prior to occupancy. The Development Code currently has this requirement for all subdivisions but does not explicitly state this requirement for land partitions. The proposed change includes land partitions.
- Clarify the intent; remove subjectivity; and, use terminology consistent with industry standards related to undergrounding of utilities. The proposed change is not intended to increase or decrease the current requirements for undergrounding existing overhead utilities.

This project began in January 2015. The planning process followed the following steps:

- Developed a work plan including public participation steps.
- Conducted research and analysis to identify issues and opportunities.
- Developed alternative approaches to the issues.
- Selected a preferred approach.
- Drafted amendments to the Comprehensive Plan for the legislative adoption process.

Public input was sought throughout the project. This has included stakeholder interviews, neighborhood meetings, and meetings with the Transportation Subcommittee, Planning Commission and City Council.



## Proposed Comprehensive Plan Amendment 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.

**Paths and Trails:** The Development Code currently excludes public streets and sidewalks from obtaining a land use development permit except where improvements are within Habitat Conservation Areas, Floodplain, Hillside Physical Constraint Overlay District, and Environmentally Sensitive/Restoration Areas in Pleasant Valley and Springwater (ESRA-PV and ESRA-SW). The proposed amendments would include some paths and trails in this exclusion. The exclusion from obtaining a development permit would only apply to paths and trails that are:

- Identified as transportation facilities in the adopted Community Development Plan;
- In the public right-of-way or public easement dedicated for bicycle and/or pedestrian access; and
- Being developed by the City of Gresham or Metro following the Department of Environmental Services' transportation design and engineering review process. This is a process that includes substantial outreach -- typically at the 30%, 60% and 90% design phases.

While there are a number of code changes proposed to implement this (as shown in Table 1, below), the fundamental change is to Section 11.0102 (Exclusions from Development Permits).

**Transit Streets:** "Transit Streets" are referenced in the Development Code and in the Transportation System Plan (TSP) with two different intents which is problematic. The proposed amendments address this by renaming "Transit Streets" to "Design Streets" in the Development Code and adding a definition and map of Design Streets to the Development Code. The Design Streets shown on the map are identical to the existing Transit Streets; thus, there will be no change to the applicability of the design standards in the Development Code. There are a number of code changes needed to change all of the references from Transit Street to Design Street; however, the map and other key changes to Section 7.0202.

**Bicycle Parking:** Currently the Development Code does not distinguish between short and long-term bicycle parking and the total number of bicycle parking spaces required is inconsistent with, and often more onerous for developers, than other codes. Short-term bicycle parking is located in a visible and convenient location to serve customers, messengers, and other visitors to a site who generally stay for a short time. Long-term bicycle parking is secure and weather-proof to serve employees, residents, and others who generally stay at a site for several hours or more. The proposed amendments to Section 9.0800 (Parking) reflect input from a number of stakeholders from the community. Consistent with the current Development Code, these amendments apply only to new construction. These amendments:

- Distinguish between short- and long-term bicycle parking; and
- Adjust the number of bicycle parking spaces for development based on national best practices and practicality for different land use types.

**Cash Guarantees:** Section A3.001 informs developers how to provide a financial guarantee of completion for public improvements when one is required. Currently the Development Code states that a guarantee "...shall be in the form of a surety, cash guarantee or other form of guarantee approved by the Manager". The City Attorney's Office evaluated forms of guarantees in an effort to assess the City's risk in the event of default by developers. Counterintuitively it was discovered that cash guarantees afford the City the greatest risk because they are subject to bankruptcy claims whereas third-party guarantees, such as those provided by surety companies, are not. The proposed amendment moves "cash guarantees" from an outright option to an option only available with City Manager approval, thus affording the City control over when cash guarantees would be acceptable.

**Public Facilities:** Section A5.006 ensures public facilities (streets, water lines, etc.) required with subdivisions (land divisions that create four or more lots) are in place prior to occupancy. Land partitions (land divisions that create two or three lots) are not formally included in this section but by practice have been treated the same. The consequence of not applying this section to land partitions could lead to new

home occupancy prior to the completion of public facilities such as sewers. The preferred approach does not change current City practice, but does close a loophole in the Development Code.

**Undergrounding of Utilities:** Section A5.511 addresses requirements for undergrounding existing overhead utilities when new development occurs adjacent to those facilities. The current Code terminology is inconsistent with industry terminology and unclear. The proposed amendments clarify the intent, remove subjectivity, and use terminology consistent with industry standards. The proposed changes are not intended to increase or decrease the current requirements for undergrounding existing overhead utilities, but only to clarify existing requirements.

## STAFF REPORT ORGANIZATION

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

### SECTION I

#### 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 Procedure – Legislative
<b>Section 11.1000</b>	Public Hearings

### SECTION II

#### APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

<b>Section 10.014.1</b>	Land Use Policies and Regulations
<b>Section 10.100</b>	Citizen Involvement
<b>Section 10.231</b>	Air Quality
<b>Section 10.330</b>	Public Facilities and Services

Section 10.320	Transportation System
Section 10.320.2	Transit System
Section 10.320.3	Bicycle System
Section 10.320.4	Pedestrian System
Section 10.320.5	Transportation Demand Management
Section 10.410	Growth Management
Section 10.412	City of Gresham Parks, Recreation, Open Spaces and Trails
Section 10.416	Community Health and the Built Environment

### SECTION III

## APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 8	Compliance Procedures
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### SECTION IV

## STATEWIDE PLANNING GOALS

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 11	Public Facilities and Services
Goal 12	Transportation Planning

### SECTION V

## FINDINGS OF FACT

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

### A. Community Development Code Procedures

#### 1. *Section 11.0201 – Initiation of an Application*

This section provides that only the City Council may initiate a Type IV legislative application to amend the Map or Code of the Gresham Community Development Plan. This project was initiated by the City Council when adopting the 2035 TSP January 2014.

#### 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 they generally apply to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a recommendation on the amendments and the City Council be the decision-making authority regarding the amendments. 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**

For a Type IV Comprehensive Plan Amendment, this section requires a submittal to the Department of Land Conservation and Development (DLCD) at least 45 days prior to the Planning Commission hearing. This references a former DLCD requirement. The Department of Land Conservation and Development, in Section 660-018-0020(1), currently requires that a local government submit changes at least 35 days prior to an evidentiary hearing. The notice was sent October 16, 2015, which meets the 35-day requirement. 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. 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 hearing record. 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. The applicable policies are grouped by general categories.

### **1. General Goals & Policies**

#### Section 10.014 Section 1: 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 the 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 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 8: The City shall require all development to conform to its land use regulations and standards.*

*Policy 9: The City shall require new development to address the need for compatibility between itself and adjacent land uses to minimize conflicts between differing uses and building types.*

*Policy 10: Gresham shall require all development to conform to site design/development standards including those necessary to accomplish the objectives of specific sub-area plans.*

*Policy 27: The City shall require utility lines and associated equipment to be installed underground for all new development except for instances where it can be shown that this is not possible.*

### **Findings**

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

Policies 1 and 2 are addressed because the proposed amendments are intended to meet the interests of the citizens of Gresham and implement the applicable goals and policies of the Comprehensive Plan, as described in V(B) of this staff report. The Comprehensive Plan has been found to be consistent with regional and state requirements, and the proposed amendments are consistent with these requirements as described in Section V subsection C and Section V subsection D.

The proposed amendments will serve the interests of the City by facilitating the development of paths and trails as transportation facilities, clarifying the Development Code relative to Transit Streets, "right-sizing" bicycle parking standards, ensuring that guarantees of completions are provided in a secure form, ensuring that adequate public facilities are in place prior to occupancy, and clarifying requirements for undergrounding utilities.

Policy 6 is addressed by the amendments to Section A3.001, which are intended to ensure a secure form of financial guarantee is provided for the completion for public improvements, and by the amendments to Section A5.006, which ensure public facilities (streets, water lines, etc.) are in place prior to occupancy for parcels created by land partitions.

Policies 8 and 9 are addressed by the proposed amendments. The proposed amendments will exclude some paths and trails from requiring a development permit. However, other City requirements in the Public Works standards and procedures will serve to ensure that those paths and trails are designed to be compatible with adjacent land uses.

Policy 27 is addressed by the amendments to Section A5.511 which clarify the intent, remove subjectivity, and use terminology consistent with industry standards related to the requirements for undergrounding existing overhead utilities.

### **Conclusion**

The proposed amendments address the Goal and applicable Policies as requested by the Gresham City Council in 2014 to address Transportation System Plan implementation and related issues. The City Council endorsed the project by approval of the grant application to the Transportation Growth Management program. They conform to State law, Metro and Gresham's Community Development Plan, as described in Sections II, III and IV 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.*

*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.

Public outreach began on the transportation amendments and included a City web page. The following meetings provided opportunities to inform citizens and involve them in this project:

- City Council (Oct. 13, 2015)
- Planning Commission (May 11, 2015; Aug. 10, 2015; Sept. 26, 2015)
- Transportation Subcommittee (Feb. 5, 2015; May 7, 2015; Sept. 10, 2015)
- Neighborhood Coalition (Feb. 10, 2015; July 14, 2015)
- Kelly Creek Neighborhood Association (May 13, 2015)
- Southwest Neighborhood Association (April 16, 2015)
- Powell Valley Neighborhood Association (March 12, 2015)
- Gresham Butte Neighborhood Association (March 11, 2015)
- Natural Resources and Sustainability Committee (Feb. 19, 2015)
- Stakeholder interviews (Feb. and March 2015)
- Stakeholder team meetings for bicycle parking amendments (multiple through 2012 and 2013)

### **Conclusion**

The Citizen Involvement Goal and its policies are met by the combination of Transportation Subcommittee, Planning Commission, City Council work sessions and meetings, presentations to neighborhood groups 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. Environmental Quality**

### **Section 10.231 Air Quality**

*Goal: Improve air quality and reduce air pollution.*

*Policy 3: The City shall reduce air pollution by coordinating its economic development, land use and transportation planning efforts to be supportive of an efficient urban form and nonauto transportation modes including transit, pedestrian and bicycle travel.*

### **Findings**

The proposed paths and trails and transit street amendments were identified as implementation issues during the development of the City's Transportation System Plan. The amendments are supportive of efficient urban form and nonauto transportation modes including transit, pedestrian and bicycle travel.

### **Conclusion**

The proposal is consistent with the applicable air quality goal and policy listed in this section.

## **4. Public Facilities and Services**

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

*General policy: 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.*

## **Findings**

This general policy is addressed by the amendments to Section A3.001, which are intended to ensure a secure form of financial guarantee is provided for the completion for public improvements, and by the amendments to Section A5.006, which ensure public facilities (streets, water lines, etc.) are in place prior to occupancy for parcels created by land partitions.

## **Conclusion**

The proposal is consistent with the general policy of this section.

## **5. Transportation System**

### **Section 10.320 Transportation System**

*Goal 1: Ensure the transportation system provides a safe, secure and attractive travel experience that supports livability and community interaction.*

*Goal 2: Ensure access and mobility by increasing multimodal travel options and providing a continuous, interconnected transportation system.*

*Goal 3: Facilitate development of a transportation system that aligns with adopted local and regional land use plans, is responsive to the surrounding community and is cost effective to develop and maintain.*

*Policy 1: Develop and promote a balanced transportation system that provides a variety of travel options and reduces the need to rely on automobiles.*

*Policy 2: Plan, implement and maintain an efficient transportation system.*

## **Findings**

Paths and trails are designed to provide a safe environment for pedestrians and bicyclists. The proposed path and trail amendments support the development of public paths and trails that are in public right-of-way (including public access easements) as transportation facilities; in particular, those facilities which provide for a continuous and interconnected transportation system. The proposed amendments address these policies by facilitating the construction of publicly constructed paths and trails in a cost effective manner, while remaining responsive to the surrounding community. Paths and trails which are designated as transportation facilities will be reviewed and approved through the same process as other transportation projects such as roadway and sidewalk improvements.

## **Conclusion**

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

### **Section 10.320.2 Transit System**

*Policy 3: Promote the development of a transit system that maximizes accessibility.*

## **Findings**

Streets currently designated as Transit Street in the Transportation System Plan are subject to transit and pedestrian-oriented design standards in the Development Code. The proposed amendments will rename "Transit Streets" to "Design Streets" and all streets currently designated as Transit Streets will be redesignated as Design Streets on a new map. The proposed amendments address this policy by continuing to apply the current standards for transit and pedestrian-oriented development along designated Design Streets. The City will retain the option of designating additional streets as Design Streets in the future based on increased transit service or other factors that increase pedestrian usage.

## **Conclusion**

The proposal is consistent with the applicable policy of this section.

Section 10.320.3 Bicycle System

*Policy 1: Develop a continuous and convenient bicycle network.*

**Findings**

As noted above, the proposed path and trail amendments support the development of public paths and trails as transportation facilities; in particular, those facilities which provide for a continuous and interconnected local and regional transportation system. By removing a somewhat duplicative permitting process, the proposed amendments are consistent with these policies by facilitating the construction paths and trails by a public agency such as the City or Metro.

The proposed bicycle parking amendments establish updated bicycle parking spaces required with new development. By establishing separate standards and requirements for short-term and long-term bicycle parking, the proposed amendments are consistent with these policies by helping ensure that secure and convenient bicycle parking is provided.

**Conclusion**

The proposal is consistent with the applicable policies of this section.

Section 10.320.4 Pedestrian System

*Policy 1: Provide pedestrian facilities that are continuous, accessible, and adaptable to all users.*

*Policy 2: Improve pedestrian access to transit from residential, commercial, industrial and institutional developments.*

**Findings**

As noted above, the proposed path and trail amendments support the development of public paths and trails as transportation facilities; in particular, those facilities which provide for a continuous and interconnected local and regional transportation system. By removing a somewhat duplicative permitting process, the proposed amendments are consistent with these policies by facilitating the construction of paths and trails by a public agency such as the City or Metro in a manner that is consistent with adopted plans.

**Conclusion**

The proposal is consistent with the applicable policies of this section.

Section 10.320.5 Transportation Demand Management

*Policy: Implement transportation demand management programs and strategies that reduce the need for single occupant vehicle (SOV) travel and make walking, bicycling and taking transit more convenient for all trips to and within Gresham.*

**Findings**

As noted above, the proposed path and trail amendments support the development of public paths and trails as transportation facilities; in particular, those facilities which provide for a continuous and interconnected local and regional transportation system.

Streets currently designated as Transit Street in the Transportation System Plan are subject to transit and pedestrian-oriented design standards in the Development Code. The proposed amendments will rename "Transit Streets" as "Design Streets" and all streets currently designated as Transit Streets will be redesignated as Design Streets on a new map. The current transit and pedestrian-oriented standards will continue to apply and will help to ensure transit-supportive design along these streets. The City will retain the option of designating additional streets as Design Streets in the future based on increased transit service or other factors that increase pedestrian usage.

By establishing separate standards and requirements for short-term and long-term bicycle parking, the proposed amendments help ensure that secure and convenient bicycle parking is provided.



## **Conclusion**

The proposal is consistent with the applicable policies of this section.

## **6. The Social Environment**

### **Section 10.410 Growth Management**

*Policy 1: It is the policy of the city to promote an orderly growth pattern within its financial capabilities to provide services and facilities while seeking to exercise land use controls in future service areas.*

*Implementation strategy 1: The Community Development Code will establish criteria for the issuance of all development permits. Such criteria will consider:*

- a. Consistency with the Comprehensive Plan;*
- b. Adequate public services and facilities; and*
- c. Consistency with the Community Development Standards.*

## **Findings**

This policy and implementation measure are addressed by the amendments to Section A3.001, which are intended to ensure a secure form of financial guarantee is provided for the completion for public improvements, and by the amendments to Section A5.006, which ensure public facilities (streets, water lines, etc.) are in place prior to occupancy for parcels created by land partitions.

## **Conclusion**

The proposal is consistent with the general policy of this section.

## **7. Parks, Open Space, Trails and Recreation**

### **Section 10.412 City of Gresham Parks, Recreation, Open Spaces and Trails**

*Goal: Develop and maintain a neighborhood-oriented parks, open space and recreation system to enhance Gresham's quality of life.*

*Policy 6: The City shall develop an integrated trail system that links together neighborhoods, parks, open spaces, major urban activity centers, the "40-Mile Loop," and other regional recreation opportunities.*

*Policy 7: The City shall ensure that planning and development of its trail system are coordinated with other transportation planning efforts to ensure trails and multi-use paths serve both as recreation resources and viable transportation alternatives.*

*Policy 34. Promote partnerships and coordination with other communities and agencies to develop a connected recreational and commuter trails system. Joint actions may include:*

- a. Acquisition of easements and rights-of-way, including those abandoned by railroads;*
- b. Maintenance and management agreements for trail facilities that cross jurisdictional boundaries;*
- c. Coordination with local and regional transportation planning and funding efforts; and*
- d. Support for trail connections to regional destination / attractions such as Blue Lake Park, Oxbow Park, 40-Mile Loop and the Sandy River Delta.*

## **Findings**

As noted in policy 7, trails and multi-use paths should serve both as recreation resources and viable transportation alternatives. The proposed paths and trails amendments recognize the dual role of some facilities. The proposed amendments would exclude some paths and trails from the requirement to obtain a Development Permit in certain circumstances. All other paths and trails will continue to be regulated as recreation facilities. The proposed path and trail amendments also support the cost-effective development of those public paths and trails that are designated as transportation facilities consistent with policies 6 and 34.

## **Conclusion**

The proposal is consistent with the goal and policies of this section.

## **8. Community Health and the Built Environment**

### Section 10.416 Community Health and the Built Environment

*Goal: The City shall promote community health through the built environment for all segments of the population by fostering a built environment that is conducive to physical activity and to access to healthy food options.*

*Policy 4: Promote community health by establishing pedestrian and bicycle connections between neighborhoods, centers, corridors, and transportation facilities.*

#### **Findings**

The proposed amendments promote community health by facilitating the development of paths and trails, thus encouraging the use of active transportation modes.

#### **Conclusion**

The proposal is consistent with the goal and policies of this section.

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

### **Title 8 Compliance Procedures**

#### **Findings**

Currently, 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 submit the proposed amendments to Metro. However, on October 8, 2015, the Metro Council approved house-keeping amendments to the Functional Plan, including an amendment to Section 3.07.820 to be consistent with the State's recently changed notice requirement (i.e., 45 day notice will now be 35 day notice). 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 October 16, 2015, which meets the 35 day requirement. Metro has not contacted the city regarding the proposed amendments or requested an analysis.

#### **Conclusion**

The City submitted the proposed amendments to the state and Metro. Because Metro has not requested an analysis of compliance, it is assumed the proposed amendments are consistent with the Functional Plan.

## **D. Statewide Planning Goals**

### **1. Goal 1 – Citizen Involvement**

*Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

#### **Findings**

*Goal 1 requires municipalities adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the ongoing land-use planning process.*

The Transportation and Development Engineering code update project meet achieved goals and policies regarding citizen involvement as detailed in Section V.B.2 of this staff report. The project provided significant opportunity for the public to comment on and shape the recommendations throughout the process.

#### **Conclusion**

Goal 1 is met by engaging the public throughout the progress of this progress, consistent with the City's Public Participation Guidelines and Citizen Involvement Goals and Polices.

## **2. Goal 2 – Land Use Planning**

*Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The goal also specifies components of a citizen involvement program.*

### **Findings**

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

### **Conclusion**

Goal 2 is met by showing conformance of the proposed amendments with the City's acknowledged comprehensive plan.

## **3. Goal 11 - Public Facilities and Services**

*Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

### **Findings**

The proposed amendments are consistent with Goal 11. The amendments to Section A3.001 are intended to ensure a secure form of financial guarantee is provided for the completion for public improvements. The amendments to Section A5.006 help ensure public facilities (streets, water lines, etc.) are in place prior to occupancy for parcels created by land partitions.

### **Conclusion**

Goal 11 is met by amending Volume 3 of the Comprehensive Plan to ensure the timely arrangement of public facilities and services for urban development within the City of Gresham.

## **4. Goal 12 - Transportation**

*Goal 12: To provide and encourage a safe, convenient and economic transportation system.*

### **Findings**

The City recently updated its Transportation System Plan (TSP) in compliance with Goal 12 and the Transportation Planning Rule (OAR 660-012). The TGM Code Assistance Project was initiated to help implement the City's TSP by removing barriers to active transportation facilities and clarifying terms.

As noted above, the proposed path and trail amendments support the development of public paths and trails as transportation facilities; in particular, those facilities which provide for a continuous and interconnected local and regional transportation system. These paths and trails are designed to provide a safe environment for pedestrians and bicyclists. Streets currently designated as Transit Street in the Transportation System Plan are subject to transit and pedestrian-oriented design standards in the Development Code. The proposed amendments will rename "Transit Streets" as "Design Streets" and all streets currently designated as Transit Streets will be redesignated as Design Streets on a new map.

### **Conclusion**

The City has a state-acknowledged Transportation System Plan. Section V of this report describes findings and conclusions that the proposed Amendments are consistent with applicable procedures and applicable goals and policies of the City's Transportation System Plan.

## 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; applicable Metro Urban Growth Management Functional Plan Code; and 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 amendments to the City Council as contained in the attached Exhibit 'A'.

*End of Staff Report*

I, Tammy J. Richardson hereby certify  
on Jan. 25, 2016, I mailed the attached  
Notice of Decision to the parties  
noted below:

FILE NO: CPA 15-323  
Transportation & Dev. Eng. Code  
Update

DLCD

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

METRO  
Growth Mgmt. Services  
600 NE Grand Avenue  
Portland OR 97232-2736

(NO PUBLIC TESTIMONY)

Tammy J. Richardson

Signed

1-25-2016

Dated

RESHAM  
& PLANNING  
AN PARKWAY  
OR 97030



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0001382305 JAN 25 2016

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

DEPT OF

JAN 28 2016

LAND CONSERVATION  
AND DEVELOPMENT