

**STAFF REPORT  
TYPE IV HEARING - COMPREHENSIVE PLAN AMENDMENT**

**Development Code and Process Updates Project – Phase One**

TO: Gresham Planning Commission

FROM: David Berniker, Director, Urban Design & Planning  
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HEARING DATE: July 27, 2020, 6:30 pm

REPORT DATE: July 15, 2020

FILE NUMBER: CPA 20-26000084

PROPOSAL: To adopt comprehensive plan text amendments to Volume 2 (Policies) and Volume 3 (Development Code) of the Community Development Plan. These amendments provide language clarification and reorganization of specific sections of the Development Code to simplify it use and make it easier to understand.

EXHIBITS: A. Proposed Comprehensive Plan Amendments

RECOMMENDATION: Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit ‘A’.

**SECTION I  
EXECUTIVE SUMMARY**

The proposed changes will implement the first phase of the 2017-2020 Development Code and Process Updates (DCPU) Council Work Plan Project. This project was developed as a multi-year multi-component program to identify and implement Development Code (Code) and development review process changes to make them easier to understand, more efficient to navigate, and more responsive to an evolving development climate while maintaining support for high quality projects and clear, predictable reviews.

The first Phase of the DCPU project includes Code updates which provide language clarifications, reformatting, reorganization of specific Code sections, and updates to comply with State laws. These updates will result in a Code which is easier to understand and navigate, and is better in compliance with State requirements.

Comprehensive Plan Amendments to Volume 2 (Policies) and Volume 3 (Development Code), are described in the following section titled **Proposed Comprehensive Plan Amendments Overview**.

The project included the following public meetings and outreach events:

- City Council: September 1, 2020
- Planning Commission: December 9, 2019, June 8, 2020, July 27, 2020
- Design Commission: November 20, 2019, February 19, 2020, June 3, 2020
- Historic Resources Subcommittee: November 13, 2019, March 11, 2020
- Urban Forestry Subcommittee: October 14, 2019
- Coalition of Gresham Neighborhood Associations: November 12, 2019
- Public Open House: March 4, 2020
- Project website and City calendar, social media, and e-newsletter updates

Notice of the Development Code changes were sent to the Department of Land Conservation and Development (DLCD) and Metro on June 22, 2020; complying with the requirement to provide such notice at least 35 days before the first hearing. Notice of the July 27, 2020 Planning Commission hearing was published in the Gresham Outlook on July 17, 2020. Notice of the September 1, 2020 City Council hearing will be published in the Gresham Outlook no later than August 21, 2020.

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

The overview provided below summarizes the changes proposed to the Community Development Plan. The full text of the proposed updates are provided in Exhibit 'A' (formatted as a ~~strikeout~~/underline) and its attachments.

#### Volume 2 - Policies

The following amendments are proposed:

- Section 10.316 City of Gresham's Historic Resources Figure 1 Historic and Cultural Landmarks List is updated to remove the Ambleside house which was demolished (file MIS 17-26000117).

#### Volume 3 - Development Code

The following amendments are proposed:

- Table 4.0130 Development Requirements For Residential Land Use Districts has been reformatted to include a table header on every page to improve navigation.
- Section 4.0132(E) Land Divisions with Left-Over Parcels has been updated based on an existing Policy and Procedure document to include Pleasant Valley and Springwater and moved to Section 6.0014.
- Table 4.0230 Commercial Land Use District Standards has been formatted so that each requirement is on a separate line for increased legibility.
- Section 4.1240 Civic Neighborhood Streets, Diagram E.1: Civic Neighborhood Local Street Type Cross Section updates the travel lanes from 11 ft. to 9 ft. and sidewalk amenity zones from 11 ft. to 13 ft. for greater pedestrian orientation as intended by the neighborhood's Design Principles.

- Section 4.1475 Neighborhood Design Guidelines has been updated based on an existing Policy and Procedure document to remove the shared driveway requirement for single family homes in Pleasant Valley and clarify the intent of the neighborhood design guideline to support street trees, rain gardens, and on-street parking.
- Section 5.0300 Historic and Cultural Landmarks Overlay District has been modified to comply with recent updates to State Law, reorganized for ease of use, language updated for clarity, and a demolished house (MIS 17-26000117) removed from the Landmarks list.
- Section 7.0003 and Table 7.0003 Design Review Categories are reformatted to simplify use and referencing, and language updated to clarify requirements, fix errors, correct omissions from previous code updates, remove redundancies, and simplify the review classifications per existing review procedures.
- Sections 7.0100 (Multi-Family Design Guidelines and Standards) and 7.0600 (Corridor Design District Commercial Design Guidelines and Standards) are combined into Section 7.0100 Corridor Design District Design Guidelines and Standards and reformatted for ease of use. Edits simplify language and reduce redundancy.
- Section 7.0500 Rockwood Design District Design Guidelines and Standards is reformatted and reorganized for ease of use and navigation.
- Section 9.0822 Surface Parking Lot Design is updated based on an existing Policy and Procedure document to clarify when compacted gravel parking lots may be used in conjunction with conversion of a single-family detached structure from residential to commercial use in the Downtown Plan Districts and in the Rockwood Town Center District.
- Section 9.0901 Projections Into Required Yards and Above The Maximum Building Height is updated to address conflicts with DES truck access and maneuvering.
- Section 9.1000 Tree Regulations is reorganized for ease of use and clarity of contents and a provision allowing design modifications for tree protection which was inadvertently left out in a previous code update is restored.
- Section 10.0100 Accessory Dwellings is reorganized to simplify navigation and the parking requirement for an Accessory Dwelling Unit has been removed to comply with State law (House Bill 2001).
- Table 10.1420 Where Uses are Permitted is updated based on an existing Policy and Procedure document to outline when temporary kitchen facilities are allowed for existing care facilities.
- Section 11.0203(B) Determination of Proper Procedure Type and Concurrent Reviews is updated based on an existing Policy and Procedure document to no longer require that single family attached dwellings do concurrent (combined) review for design review and land division.
- Table 11.0204 Land Use Applications and Review Authorities is updated to clarify in which cases a preapplication meeting is required for a Design Review-C, and Procedures for Historic Resources are updated to comply with State Law.
- Section 11.0800 Neighborhood Meeting is updated to allow digital submittal of documents to participating Neighborhood Associations.

- Appendix 5 Public Facilities is updated for language consistency and policy clarity.
- Appendix 6, Section A6.050 Sign Requirement Exemptions is updated based on an existing Policy and Procedure document to clarify that the maximum height for an exempted “scoreboard” sign is 18 feet, when the sign is not located in a single-family residential district.
- Edits throughout the Development Code clarify language and formatting for ease of use, consolidate redundancies, modify code language to be clear and objective where required by State law, and correct code references and minor text errors.

### **Staff Report Organization**

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the Metro Urban Growth Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section V identifies the Oregon Statewide Planning Goals that apply to the proposal.
- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through V:
  - Subsection A is findings of fact for the Community Development Plan procedures.
  - Subsection B is findings of fact for the Community Development Plan goals and policies.
  - Subsection C is findings of fact for the Metro UGMFP titles.
  - Subsection D is findings of fact for the Oregon Statewide Planning Goals.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit ‘A’ and its attachments include the proposed Comprehensive Plan amendments.

## **SECTION II**

### **APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

<b>Section 11.0200</b>	Initiation and Classification of Applications
<b>Section 11.0600</b>	Type IV Legislative Procedures
<b>Section 11.1000</b>	Public Hearings

## **SECTION III**

### **APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES**

<b>Section 10.014</b>	Land Use Policies and Regulations
<b>Section 10.100</b>	Citizen Involvement
<b>Section 10.316</b>	City of Gresham’s Historic Resources
<b>Section 10.600</b>	Housing
<b>Section 10.700</b>	Pleasant Valley Plan District

## **SECTION IV**

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

**Title 8** Compliance Procedures**SECTION V****APPLICABLE OREGON STATEWIDE PLANNING GOALS**

<b>Goal 1</b>	Citizen Involvement
<b>Goal 2</b>	Land Use Planning
<b>Goal 5</b>	Natural Resources, Scenic and Historic Areas, and Open Spaces
<b>Goal 10</b>	Housing

**SECTION VI****FINDINGS OF FACT**

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

**A. Community Development Code Procedures*****Section 11.0200 Initiation and Classification of Applications***

***Section 11.0201 – Initiation of an Application.*** This section provides that the City Council may initiate a Type IV legislative application to amend Volume 2 (Policies) and Volume 3 (Development Code) of the Community Development Plan. This project was initiated by City Council as part of the 2017 - 2020 City Council Work Plans, which were adopted under Type IV procedures. City Council will review these amendments at a hearing on September 1, 2020.

***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 it generally applies to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a recommendation on Community Development Plan Amendments and the City Council be the decision-making authority. This project meets those conditions and is being processed under the Type IV procedures and will be heard by the City Council.

***Section 11.0600 – Type IV Legislative Procedures.******11.602(C) Application Initiation***

This section provides that the City Council may initiate a Type IV legislative application to amend the text of the Community Development Plan. This project was initiated by City Council as part of the 2017 - 2020 City Council Work Plans.

*11.602(D)(1) Type IV Public Notice for Comprehensive Plan Amendments*

(a) For a Type IV Comprehensive Plan Amendment this section requires a submittal to the DLCD and Metro at least 35 days prior to the Planning Commission hearing. This submittal was made on June 22, 2020, which is at least 35 days prior to the Planning Commission hearing date of July 27, 2020.

(b) The section requires notice to owners of properties for which the application affects permissible uses of land. No proposed changes affect the permissible uses of land.

(c) This section also requires that at least 10 days before the initial hearing, a notice be published in a newspaper of general circulation in the city and copies of the hearing notice made available in City Hall. Required notice of public hearing for these proposed amendments will be published in the *Gresham Outlook* no later than July 17, 2020, and made available through City Hall as required by this section.

*11.602(E) Type IV Decision Authority and 11.602(F) Type IV Notice of Decision*

This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Plan. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record, and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

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

**B. Community Development Plan Goals and Policies (Volume II)**

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions.

**Section 10.014 Land Use Policies and Regulations**

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

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

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

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

*Action Measure 11: Revise the Comprehensive Plan Text, Map and related findings as needed to maintain its reliability and timelines to ensure consistency among goals, policies, implementing measures; accuracy of findings and compliance with regional, state and federal laws and rules. This includes review by the Planning Commission every two years; a formal evaluation every five years and an overall update at least every ten years.*

*Action Measure 13: Monitor actions, programs and policies of federal, state and regional governments and when appropriate amend the Comprehensive Plan to be consistent with new laws and administrative rules.*

### Findings

The proposed amendments are being implemented as part of the 2017-2020 Council Work Plan. The project includes updates to the development code which make it easier to use and understand, and ensure its conformance with State policies and updates to State laws.

Gresham's Community Development Plan has been found to be in compliance with state and regional requirements. The proposed amendments have been found to be in compliance with Gresham's Community Development Plan and State and regional requirements as described in this staff report.

As required by State and Metro regulations a draft of the proposed amendments were sent to the Oregon Department of Land Conservation and Development (DLCD) and to Metro at least 35 days prior to the scheduled July 27, 2020 Planning Commission hearing. As of the date of this report neither agency has contacted the City regarding this notice.

### Conclusion

The Land Use and Policy Goal (10.014) and related policies and Action Measures are addressed through the notifications to DLCD and Metro and the changes to the Development Code related to recent updates in State Law (see the Proposed Comprehensive Plan Amendments Overview section above). The proposal is consistent with the applicable goals, policies, and action measures listed in this section.

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

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

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

*Policy 7. The City shall facilitate involvement of citizens in the planning process, including data collection, plan preparation, adoption, implementation, evaluation and revision.*

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

### Findings

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

The project included the following public meetings and outreach events:

- City Council: September 1, 2020
- Planning Commission: December 9, 2019, June 8, 2020, July 27, 2020
- Design Commission: November 20, 2019, February 19, 2020, June 3, 2020
- Historic Resources Subcommittee: November 13, 2019, March 11, 2020
- Urban Forestry Subcommittee: October 14, 2019
- Coalition of Gresham Neighborhood Associations: November 12, 2019
- Public Open House: March 4, 2020
- Project website and City calendar, social media, and e-newsletter updates

City staff also prepared a project summary flyer, posted project materials to the City's website, and published notice of the public hearings in the *Gresham Outlook*.

### Conclusion

The Citizen Involvement Goal (10.100) and related policies were addressed through the public open house and public notice and presentations at the Planning Commission, Design Commission, and City Council. The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

### **Section 10.316 - City of Gresham's Historic Resources**

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

*Policy 3: The City shall require that it and appropriate others (State Historic Preservation Office (SHPO), Commission on Indian Affairs, Native American Tribes, etc.) be notified of the discovery of archaeological sites.*

*Policy 7: The City shall support enforcement of State laws concerning historic resources (owner consent requirements, etc.).*

*Action Measure 3: Periodically update Gresham's Historic and Cultural Landmarks List to assure it accurately reflects all eligible properties including listing all properties on the National Register of Historic Places.*

### Findings



Section 5.0300 will be updated to comply with recent changes to State Law. The list of parties required to be notified of the discovery of archaeological sites is updated, and the Historic and Cultural Landmarks List will be updated to remove a property which was demolished.

#### Conclusion

The Historic Resources Goal and related policies and action measures are met through the proposed updates to Section 5.0300 of the Development Code. The proposal is consistent with the applicable goals and policies listed in this section.

#### **Section 10.600 - Housing**

*Housing Opportunities Goal: Gresham will have a full range of quality housing for its current and future residents.*

*Housing Opportunities Policy 2: Support the development of housing that reflects the square footage and number of bedrooms needed by the full range of family sizes from singles to large families.*

*Livability Goal: Gresham will provide for a variety of livable neighborhoods.*

*Livability Action Measure 1: Review the Development Code to determine if there are barriers to the permissibility of desired housing types within new housing developments within Gresham.*

#### Findings

The project includes updates to the development code which make it easier to develop housing including:

- Allowing land divisions to occur with leftover parcels in a greater number of single family zone districts;
- Removal of requirements for shared driveways for single family housing in Pleasant Valley;
- Removal of a minimum parking requirement for accessory dwelling units; and
- Removal of requirement that single family attached dwellings do concurrent (combined) review for design review and land division.

#### Conclusion

The updates provide simpler review processes and remove some restrictions on housing development. The proposal is consistent with the applicable Housing goals, policies, and action measures listed in this section.

#### **Section 10.700 – Pleasant Valley Plan District**

##### *Urbanization Strategy And Land Use Planning*

*Action Measure 3. The Pleasant Valley Plan District will allow for unique planning and regulatory tools that are needed to realize the Pleasant Valley Concept Plan.*

*Green Development Goal: Pleasant Valley will be a “green” community where green infrastructure is integrated with land use and street design and natural resource protection.*

*Policy 1: Encourage the planting, maintenance and preservation of trees throughout the watershed. Volume 2 – Policies Document 284*

*Policy 2: Transportation plans will use Green Street designs in the development and design of streets.*

*Transportation Goal: Pleasant Valley will be a community where a wide range of safe and convenient transportation choices are provided.*

*Action Measure 2: Establish street design standards that respect the characteristics of the surrounding land uses, natural features, and other community amenities. All streets will be designed to support adjacent land uses, accommodate pedestrians and bicyclists and include green streets design elements that help minimize stormwater runoff. Design will be based on the Pleasant Valley Street Designs adopted in the Pleasant Valley Concept Plan Implementation Strategies. In developing street designs utilize Metro publications Creating Livable Streets, Green Streets: Innovative Solutions for Stormwater and Stream Crossings and Trees for Green Streets. The plan district street design standards will provide for:*

- a. Planting and preservation of trees in the street right-of-ways*
- c. Landscaped buffer separating travel lanes from sidewalks*
- f. Street design elements that discourage traffic infiltration and excessive speeds on local streets, such as curb extensions, on-street parking, and wider sidewalks and narrowed travel lanes.*
- h. Minimize impervious area and utilize the natural drainage system where practical.*

### Findings

The project includes updates to the development code which specifically relate to Pleasant Valley. Updates would allow land divisions to occur with leftover parcels in some Pleasant Valley single family zone districts, providing unique tools for its development. Updates would also remove requirements for shared driveways for single family housing in Pleasant Valley and clarify that the intent of the updated neighborhood design guideline is for street designs to support green development practices for streetscapes including providing space for street trees and rain gardens in the planter strip.

### Conclusion

The updates provide standards for Pleasant Valley which are consistent with the plan goals for the neighborhood. The proposal is consistent with the applicable Pleasant Valley Plan District goals, policies, and action measures listed in this section.

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

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

### Findings

Section 3.07.820 of this title requires that at least 35 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. Metro may review the amendments and can request that the City provide an analysis of compliance with the Functional Plan.

The City submitted the proposed amendments to Metro on June 22, 2020, which was at least 35 days prior to the first evidentiary hearing of July 27, 2020. As of the date of this report Metro has not contacted the City regarding this notice.

### Conclusion

The City has submitted the proposed amendments to Metro at least 35 days prior to the first evidentiary hearing. The proposal is consistent with Title 8.

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

Statewide Planning Goal 1 for Citizen Involvement requires that cities “*insure the opportunity for citizens to be involved in all phases of the planning process.*”

The public process was provided through web updates, public meetings, the open house, and the published notices posted in the Gresham Outlook in advance of both the Planning Commission and City Council hearings. See Section I of this report for a full list of public outreach activities.

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

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

Statewide Planning Goal 5 for Open Spaces, Scenic and Historic Areas and Natural Resources requires local governments to “*adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.*”

The updates to Section 5.0300 will bring the Development Code into compliance with updated State regulations for the implementation of Goal 5.

Statewide Planning Goal 10 for Housing specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and

plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

The proposed Comprehensive Plan amendments do not include changes to the potential capacity to develop residential uses. Changes to no longer require parking for accessory dwelling units (ADUs) will bring the code into compliance with update State regulations for the implementation of Goal 10. Changes to no longer require concurrent subdivision and design review for single family attached dwellings increases flexibility and ease of development for this housing use.

### Conclusion

The proposed amendments comply with the applicable Statewide Planning Goals 1, 2, 5 and 10. As of the date of this report DLCD has not contacted the City regarding the notice for these amendments.

## **SECTION VII CONCLUSION**

The proposed comprehensive plan amendments attached as Exhibit 'A' and its attachments are consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan, applicable Metro UGMFP titles, and the applicable Oregon Statewide Planning Goals as indicated by findings contained or referenced in Section VI of this report.

## **SECTION VIII RECOMMENDATION**

Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit 'A' and its attachments.

*End of Staff Report*