



## MEMORANDUM

### Urban Design & Planning

#### STAFF REPORT TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT Development Code Improvement Project -9 (DCIP-9) Part A

To: Gresham Planning Commission

From: David Berniker, Director, Urban Design & Planning  
Ann Pytynia, Principal Urban Planner, Urban Design & Planning

Hearing Date: August 22, 2016

Report Date: August 11, 2016

File: CPA 16-175

Proposal: To adopt comprehensive plan text amendments to Volume 3 of the Community Development Plan (Development Code) that allow DR-E Design Reviews to be processed as a DR-D when all clear and objective standards are used.

Exhibits: 'A' - Proposed Text Amendments

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

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## **SECTION I EXECUTIVE SUMMARY**

The proposed changes will implement Part A of the Design Review related changes proposed in the 2015-2016 Development Code Improvement Project - 9 (DCIP-9) Council Work Plan project. Part A of the Design Review changes will amend the Development Code rules that requires that certain project types warrant a DR-E review (public hearing before the Design Commission) even if all clear and objective standards are met.

No changes are proposed to Volume 1 or Volume 2 of the Comprehensive Plan. Amendments to Volume 3 include:

- Changes that will allow projects currently classified as DR-E reviews to be processed under the DR-D process (staff review with public notice) when all clear and objective standards are met.

The project included the following public meetings and outreach events:

- Public notice for 8/22/16 Planning Commission
- Website information
- Notification (email) of proposed change:
  - Neighborhood Coalition
  - Stakeholders (developers)

Notice of the Development Code changes were sent to the Department of Land Conservation and Development (DLCD) and Metro on July 14, 2016; complying with the requirement to provide such notice at least 35 days before the first hearing. Notice of the August 22, 2016 Planning Commission hearing was published in the Gresham Outlook on August 9, 2016. Notice of the September 20, 2016 City Council hearing will be published in the Gresham Outlook no later than September 9, 2016.

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

Text changes to the Community Development Plan are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~/underline. The overview provided below summarizes the changes.

#### **Volume 3 - Development Code**

The following amendments are proposed:

- Include new construction or additions currently classified as a DR-E review that propose all clear and objective standards be processed as a DR-D review.
- Clarify that the application types listed under the DR-E category are only for those applications proposing at least one discretionary standard.

### **Staff Report Organization**

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Management Functional Plan (UGMFP) titles that apply to the proposal.
- Section V identifies the applicable Oregon Statewide Goals that apply to the proposal.

- Section VI contains specific findings of fact that detail how the proposal is consistent with Sections II through V:
  - Subsection A is findings of fact for the Community Development Plan procedures.
  - Subsection B is findings of fact for the Community Development Plan policies.
  - Subsection C is findings of fact for the UGMFP titles.
  - Subsection D is findings of fact for the Statewide Planning Goals.
- Sections VII and VIII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3 (Development Code).

**SECTION II  
APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES**

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

**SECTION III  
APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES**

<b>Section 10.014</b>	Land Use Policies and Regulations
<b>Section 10.100</b>	Citizen Involvement

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

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

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

**SECTION VI  
FINDINGS OF FACT**

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

## **A. Community Development Code Procedures**

**1. Section 11.0201 – Initiation.** This section provides that only the City Council may initiate a Type IV legislative application to amend the text of the Map or Code of the Gresham Community Development Plan. This project was initiated by City Council as part of the 2016 City Council Work Plan. City Council will review these amendments at a hearing on September 20, 2016.

**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 it generally applies 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. 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 DLCDC and Metro at least 35 days prior to the Planning Commission hearing. This submittal was made on July 14, 2016, which is at least 35 days prior to the Planning Commission hearing date of August 22, 2016. This section also requires that hearings be scheduled, a notice published in a newspaper of general circulation in the city and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the *Gresham Outlook* as required by this section.

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

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

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

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

### **Section 10.014 Land Use Policies and Regulations**

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

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

*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 1: Improve the quality of Gresham's streetscapes through design review of development.*

*Action Measure 14: Develop and adopt district plans when necessary to enhance opportunities for economic development, social vitality and other quality of life aspects of specific areas.*

#### Findings

The proposed amendments are being implemented as Part A of the Design Review component of the 2016 DCIP-9 Council Work Plan. The goal of the project is to ensure that the Development Code is clear and easy to use. This phase of the project focuses on refining the parameters that define the difference between DR-D and DR-E reviews. DR-D reviews are conducted by staff, while DR-E reviews are decided upon by the Design Commission in a public hearing.

Gresham's 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, 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 Oregon Development and Land Conservation Department (DLCD) and to Metro at least 35 days prior to the scheduled August 22, 2016 Planning Commission hearing. Neither agency has contacted the City regarding this notice.

#### Conclusion

Policies 20 and 23 are referenced because they state that city codes should reflect policy direction, remain current with applicable laws; enhance livability and also that the development of these codes needs to be coordinated with affected governmental agencies.

Action Measures 1 and 14 are noted because they pertain to the importance of street scape quality being achieved through the implementation of design standards and the need to develop plans that will promote quality of life in Gresham. These changes will present a less complex path to developers wishing to use all clear and objective standards.

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

*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. Public participation opportunities included:

- Public notice for the August 22, 2016 Planning Commission hearing.
- Contact with the Neighborhood Coalition and a stakeholder group comprised of developers.

- City staff prepared a project flyer, posted project materials to the City's website, has an interested parties list to inform citizens of public participation opportunities, and published notice of the public hearings in the *Gresham Outlook*.

### Conclusion

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

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

### **Title 8** Compliance Procedures

#### Findings

Section 3.07.820 of this title requires that 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 July 14, 2016, which was at least 35 days prior to the first evidentiary hearing of August 22, 2016. 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**

#### Findings

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

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

A public input process was provided through outreach efforts, public meetings and the published notices posted in the *Gresham Outlook* in advance of both the Planning Commission and City Council hearings.

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.

#### Conclusion

The proposed amendments comply with Statewide Planning Goals 1 and 2. DLCD has not contacted the City regarding the notice for these amendments.

**SECTION VII  
CONCLUSION**

The proposed comprehensive plan amendment attached as Exhibit 'A' is consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan; 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 to the City Council as contained in the attached Exhibit 'A'.

*End of Staff Report*