

# ARTICLE 12 MAP AMENDMENTS

## SECTION 12.000 PLAN MAP AMENDMENTS AND AMENDMENTS TO MAP BOUNDARIES

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### General

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#### 12.0001 Community Development Plan Map Amendments

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the Community Development Plan Map.

- A. Type III Plan Map Amendments - One Parcel or Small Group of Parcels.
  1. Property owners or the City may initiate a plan map amendment for one parcel or a small group of parcels under the Type III procedure. Unlike other Type III procedures, the decision of the Planning Commission on a Type III Plan Map Amendment shall be in the form of a recommendation to the Council. The Council shall hold another public hearing and make a final decision.
  2. If an application for a plan map amendment is denied, the property owner may not submit a request for the same plan map designation on the same parcel or small group of parcels within 12 months from the date the previous application was found to be complete.
  3. Amendment Criteria. The applicant must demonstrate compliance with the following criteria:
    - a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Plan. The applicant must demonstrate that the proposed designation complies with the appropriate land use district or sub-district characteristics identified in the Community Development Code.
    - b. The proposed designation will not negatively impact existing or planned public facilities and services.
    - c. The applicant shall demonstrate compliance with one of the following criteria:

- i. A mistake was made in the current designation. The applicant must identify a specific error made during the adoption process of the Community Development Code that, if it had been brought to the attention of the council, would have influenced the council's decision of the appropriate designation; or
- ii. The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed land use designation and its potential uses vary. The factors to be used in determining suitability are parcel size and location.
- d. The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.

**B. Type III Plan Map Amendments – Conditioned Plan Amendment**

- 1. An applicant may initiate a Conditioned Plan Map Amendment. A Conditioned Plan Map Amendment links the map amendment to a specific development proposal or specific use. Unlike other Type III procedures, the decision of the Planning commission on a Type III Conditioned Plan Map Amendment shall be in the form of a recommendation to the City Council. The City Council shall hold another public hearing and make a final decision.
- 2. A Conditioned Plan Map Amendment may take one of two forms:
  - a. A plan map amendment submitted at the same time as an application for a specific land use, such as a Design Review or Land Division. The decision on the plan map amendment shall be conditioned to the specific development proposal. If the concurrent application is a Design Review subject to established design principles, design guidelines, and design standards of a Design District, then the Design Review component shall be reviewed by the Design Commission. The Design Commission shall provide a recommendation on the Design Review element for the City Council decision. This is in addition to the general process outlined above in **Section 12.0001(B)(1)**.
  - b. A plan map amendment with some details regarding a specific future land use. The decision on the plan map amendment shall be conditioned to the specific future land use. This review for conditions is an additional Type III review for the plan map amendment. The following information shall be provided to calculate impacts for the specific use:
    - i. For all uses, information regarding the compatibility of the anticipated use with the surrounding area. This shall include a conceptual site plan, anticipated building heights, and conceptual drawings of the use.
    - ii. For residential uses, the proposed density and the number of units;
    - iii. For non-residential uses, the square footage of buildings and type of use, such as restaurant or office.
    - iv. The Manager may specify additional information necessary to review a Conditioned Plan Map Amendment.

3. If an application for a Conditioned Plan Map Amendment is denied, the property owner may not submit a request for the same plan map designation on the same parcel or small group of parcels within 12 months from the date the previous application was found to be complete.
  4. Amendment Criteria. The applicant must demonstrate compliance with the following criteria:
    - a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Plan. The applicant must demonstrate that the proposed designation complies with the appropriate land use district or sub-district characteristics identified in the Community Development Code.
    - b. The proposed designation will not negatively impact existing or planned public facilities or services. If there is a negative impact on existing or planned public facilities or services, then mitigation of the impact shall be addressed through conditions upon the plan map amendment.
    - c. The applicant shall demonstrate compliance with one of the following criteria:
      - i. A mistake was made in the current designation. The applicant must identify a specific error made during the adoption process of the Community Development Code that, if it had been brought to the attention of the Council, would have influenced the Council's decision of the appropriate designation; or
      - ii. The site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed land use designation and its potential uses vary. The factors to be used in determining suitability are parcel size and location.
    - d. The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.
  5. Expiration of Conditioned Plan Map Amendment. The approval of a Conditioned Plan Map Amendment shall expire five years from the date the approval was final if no development application has been approved. The approval shall also expire if the approved development application subsequently expires.
- C. Type IV Plan Map Amendments - Large Area of the City and Multiple Ownerships**
1. The City may initiate plan map amendments affecting large areas and multiple ownerships under the Type IV procedure. These map changes include those that have widespread and significant impact beyond the immediate area of change.
  2. Amendment Criteria. The City must demonstrate:
    - a. The proposed designation is consistent with the applicable goals, policies, and implementation strategies of the Community Development Plan.
    - b. That the proposed designations comply with the appropriate land use district or sub-district characteristics identified in the Community Development Code.
    - c. The proposed designation is consistent with the Metro Urban Growth Management Functional Plan.

## **12.0002 Minor Amendments to the Gresham Urban Services Area Map Boundaries**

- A.** The Gresham Urban Services Area Map Boundaries may be changed for the purposes of minor boundary adjustments within the Urban Growth Boundary when the Gresham, Portland, and Multnomah County Planning Directors agree in writing that the following conditions exist for each amendment.
  - 1.** Adjustments are limited to contiguous property within approximately 400 feet of the Urban Service Boundary.
  - 2.** The adjustment will improve the efficiency of urban services.
  - 3.** The adjustment may include property that has been recently partitioned or subdivided.
  - 4.** Adjustments may occur when an emergency threatens public health, safety, and welfare.
- B.** In those areas of Multnomah County where the Metropolitan Urban Growth Boundary and Gresham Urban Service Area Boundary are synonymous, amendments to the Urban Growth Boundary may be cause for similar amendments to the Gresham Urban Service Area Boundary, but only when the Gresham and Multnomah County Planning Directors agree in writing.

## **Overlay Districts**

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### **12.0010 Overlay District Adjustments**

The boundaries of the Floodplain or Hillside Physical Constraint Overlay Districts may be adjusted by the Manager under the Type I procedure and Habitat Conservation Area or Open Space Overlay District boundaries may be adjusted under the Type II procedure when new information has been obtained establishing that the boundary should be changed to fulfill the purpose for the special purpose district.

### **12.0011 Overlay District Boundary Revisions**

A special purpose district boundary may be revised as provided in this section or as part of a legislative action. The Hearings Officer shall review a revision of a overlay district boundary. A property owner's petition shall be filed with the Manager on a form provided by the Manager. The Hearings Officer shall review the proposal under a Type III procedure, with posted notice and mailed notice to owners of property within 300 feet of the area proposed for change. The Hearings Officer shall approve a district boundary revision if it complies with the applicable provisions of the Community Development Code.