

**STAFF REPORT**

**TYPE IV HEARING - COMPREHENSIVE PLAN AMENDMENT**

**Climate Friendly and Equitable Communities Phase 1**

TO: Gresham Planning Commission

FROM: Ashley Miller, Director, Urban Design & Planning  
 Terra Wilcoxson, Comprehensive Planning Manager, Urban Design & Planning  
 Jay Higgins, Senior Transportation Planner, Urban Design & Planning

HEARING DATE: September 25, 2023, 6:30 pm

REPORT DATE: September 11, 2023

FILE NUMBER: CPA-23-00277

PROPOSAL: To adopt Comprehensive Plan text amendments to Volume 3 (Development Code) of the Community Development Plan. These amendments include changes to required minimum parking in response to Department of Land Development and Conservation rulemaking for Climate Friendly and Equitable Communities in 2022.

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 Department of Land Conservation and Development (DLCD) has Climate Friendly and Equitable Communities (CFEC) rules that change the amount of parking cities can require with new development. These rules enact the Governor’s order to reduce greenhouse gas emissions by creating dense walkable places centered around transit. The first phase of the rules went into effect January 2023. Gresham is currently implementing the rules through administrative policy.

The proposed changes reduce required parking based on where new developments are proposed and what types of uses will be built. For CFEC Phase 1, Gresham must change parking requirements and parking maximums near frequent transit and for land uses across the city that serve community uses. Gresham must also reduce parking for multi-family developments and require them to be ready for electrical vehicle charging.

In addition, staff is proposing to change the Clear Vision Area requirements and move the details of the requirements into the Public Works Standards. The proposed changes will shrink the area of private property impacted at intersections. Also, moving the details of the requirement into the Public Works Standards will make any requested modifications part of the design modification process and subject to engineering judgement.

Comprehensive Plan Amendments to Volume 3 (Development Code) are described in the following section titled “Proposed Comprehensive Plan Amendments Overview”.

### **Citizen Involvement and Outreach**

The project included the following Public Participation:

- City Council: August 16, 2022, November 1, 2022, March 21, 2023, Public Hearing scheduled for November 7, 2023
- Planning Commission: August 28, 2023, Public Hearing scheduled for September 25, 2023.
- Developer Advisory Group: July 18, 2023, August 24, 2023
- Public Hearings notices in the Gresham Outlook
- Other: Project website, City calendar, Neighborhood Connections e-newsletter updates

Notice of the Development Code changes were sent to the Department of Land Conservation and Development (DLCD) on August 17, 2023; complying with the requirement to provide such notice at least 35 days before the first hearing. Notice of the September 25, 2023 Planning Commission hearing was published in the Gresham Outlook on September 11, 2023. Notice of the November 7, 2023 City Council hearing will be published in the Gresham Outlook no later than August 23, 2020. A Measure 56 notice is not required for this comprehensive plan amendment.

### **Public Comments**

As of the date of this report no public comments were received.

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

The overview provided below summarizes the changes proposed to the Community Development Plan (GCDP). The plan consists of three volumes—Volume 1 “Findings”, Volume 2 “Policies”, Volume 3 “Development Code”. Updates are proposed only to Volume 3. The full text of the proposed updates is provided in Exhibit ‘A’ (formatted as a ~~strikeout~~/underline).

#### **Volume 3 – Development Code (GCDC)**

The proposed parking code updates are for the purpose of complying with state regulations for the Climate Friendly and Equitable Communities rules, effective January 1, 2023 (CFEC Phase 1) and March 31, 2023 (Electric Vehicle Charging).

The following amendments are proposed:

- Section 4.0400 Corridor Districts has parking minimums removed from the districts that are within the no-required-parking-area near frequent transit.
- Section 9.0800 Parking has been amended to:
  - Added new exceptions for the area of no-required-parking near frequent transit, and community beneficial uses exempted in the CFEC rules.
  - Added new requirements for electrical charging readiness for new multi-family developments.
  - Adjusted parking maximum requirements to CFEC levels and removed exemptions to parking maximums that are not allowed.
  - Clarified minimum and maximum parking required in Plan Districts.

The proposed Clear Vision Area code updates are for the purpose of reducing the impact to private property. The following amendments are proposed.

- Section 3.0100 Definitions are updated for Clear Vision Area with the new and amended code sections.
- Section 4.0400 Corridor Districts is amended because a Clear Vision Areas exemption no longer applies to new development in the Town Center District, Station Centers District, and Ruby Junction Overlay. Exemptions can be requested through a design modification process.
- Section 4.1100 Downtown Plan District and Section 4.1200 Civic Neighborhood Plan District are amended because a Clear Vision Areas exemption no longer applies to new development in the Town Center District, Station Centers District, and Ruby Junction Overlay. Exemptions can be requested through a design modification process.
- Section 9.0200 Clear Vision Area is amended to refer to the details of the Clear Vision Area in the Public Works Standards. This retains the Clear Vision Area requirement within the Development Code.

### **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 Metro Regional Transportation Functional Plan (UGMFP) titles that apply to the proposal.
- Section VI identifies the Oregon Statewide Planning Goals that apply to the proposal.
- Section VII contains specific findings of fact that detail how the proposal is consistent with Sections II through VI:

- Subsection A is findings of fact for the Community Development Code 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 and titles.
- Subsection D is findings of fact for the Oregon Statewide Planning Goals.
- Sections VIII and IX summarize staff conclusions and recommendations.
- Exhibit 'A' and its attachments include the proposed Comprehensive Plan amendments.

## **SECTION II**

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

**Section 11.0200** Initiation and Classification of Applications

**Section 11.0600** Type IV Legislative Procedures

**Section 11.1000** Public Hearings

## **SECTION III**

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

**Section 10.014** Land Use Policies and Regulations

**Section 10.100** Citizen Involvement

**Section 10.320** Transportation System

**Section 10.600** Housing

## **SECTION IV**

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

**Title 1** Housing Capacity

**Title 7** Housing Choice

**Title 8** Compliance Procedures

## **SECTION V**

### **APPLICABLE METRO REGIONAL TRANSPORTATION FUNCTION PLAN TITLES**

**Title 4** Regional Parking Management

**Title 5** Amendment of Comprehensive Plans

**SECTION VI****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
<b>Goal 12</b>	Transportation
<b>Goal 14</b>	Urbanization

**SECTION VII****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 (Volume 3)*****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 3 (Development Code) of the Community Development Plan. The Type IV Comprehensive Plan Amendments were initiated by City Council July 18, 2023. City Council will review these amendments at a hearing on November 7, 2023.

***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 Type IV Comprehensive Plan Amendment project meets those conditions and is being processed under the Type IV procedures, including review and recommendation from the Planning Commission on September 25, 2023, and a City Council hearing on November 7, 2023.

***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 on July 18, 2023.

#### *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 DLCDC at least 35 days prior to the Planning Commission hearing date. Notice was submitted on August 17, 2023, which is at least 35 days prior to the hearing date of September 25, 2023.

(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 were published in the *Gresham Outlook* on September 11, 2023, 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 during a public hearing on September 25, 2023, and the Council will make a decision at a public hearing on November 7, 2023 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.

#### Conclusion

The applicable Community Development Code Procedures have been met as of the date of this report, and will be met prior to the issuance of a decision, or with the issuance of the decision.

### **B. Community Development Plan Goals and Policies (Volume 2)**

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 1: The City's land use program will be consistent with 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 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.*

*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 a response to DLCDC CFEC rules adopted July 21-22, 2022. The project includes updates to Section 3 (Development Code) of the Community Development Plan.

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 DLCDC and to Metro at least 35 days prior to the scheduled September 25, 2023 Planning Commission hearing. As of the date of this report DLCDC has contacted the City regarding this notice and provided needed changes to ensure compliance with state rules. Those suggestions are incorporated into Exhibit A.

### Conclusion

The Land Use and Policy Goal (Section 10.014) and related policies and action measures are addressed through the notifications to DLCDC and Metro and the changes to the Development Code related to recent updates to State rules (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 5. The City shall keep citizens informed of issues confronting the City.*

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

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

*Policy 9. The City shall ensure that citizen involvement plans and activities incorporate Gresham's diverse constituencies regardless of age, sex, religion, social or business affiliation.*

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

*Action Measure 4. Keep the public informed of opportunities for involvement in all phases of land use planning issues...*

*Action Measure 5. Provide citizens timely access to all public information related to land use matters under consideration...*

*Action Measure 7. Engage in outreach activities to inform and encourage public involvement...*

*Action Measure 8. Facilitate citizen input into the process for revising local land use plans and ordinances...*

*Action Measure 9. Make public participation processes user-friendly...*

*Action Measure 10. Encourage broadly based public participation including all geographic area and diverse interests...*

*Action Measure 11. When appropriate, provide culturally sensitive participation opportunities, which may include language translation and interpretation.*

## 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: August 16, 2022, November 1, 2022, March 21, 2023, Public Hearing scheduled for November 7, 2023
- Planning Commission: August 28, 2023
- Developer Advisory Group: July 18, 2023, August 24, 2023
- Public Hearings notices in the Gresham Outlook
- Other: Project website, City calendar



The public was informed of opportunities for involvement through the City's calendar, the project website, and emails to an interested parties sign-up list. Translation services are advertised on the footer of City web pages.

### Conclusion

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

### **Section 10.320 - 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.*

*10.320.2 Transit System Policy 3. Promote the development of a transit system that maximizes accessibility.*

*10. Encourage intensive new uses and development within the light rail station areas that:...*

- *Attract transit ridership, reduce the number and length of vehicular trips, and minimize the amount of land used for private off-street parking;*

*10.320.7 Parking Management Policy. Manage the on- and off-street parking supply to ensure there is an adequate but not excessive amount of parking available for all land uses.*

### Findings

The transportation system policies acknowledge the role that reduced off-street parking, especially near transit, can play in the efficient use of land and the provision of transportation choices. It is the City's policy to manage and adjust the on-street and off-street parking supply. The proposed Development Code changes reduce the required minimum parking in areas near transit.

### Conclusion

The proposal is consistent with the applicable Transportation System goals, policies, and action measures.

### **Section 10.600 - Housing**

*Housing Goal. Everyone in Gresham can live in a secure and reliable place they call home, and no one experiences housing uncertainty. All Gresham community members can access housing that meets their changing needs.*

*Housing Stability Policy. Increase housing stability for residents; mitigate the impacts of gentrification and the economic and physical displacement of existing residents resulting from investment or redevelopment.*

*Housing Choice and Location Policy. Facilitate housing choice for all, particularly for state and federally protected classes, communities of color, low-income communities, people with disabilities, and other under-served populations. Foster access to existing or new quality*

*housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.*

#### Findings

The City has a goal of secure and reliable housing and policies to increase housing stability and create housing choice for low-income communities. Required minimum parking incurs a cost on new development through the physical space required to provide the parking. This, in turn, reduces housing yield on land, making new housing less affordable. The proposed Development Code changes reduce required parking and reduce cost impacts to new housing and new affordable housing. Reducing the cost to construct new housing can reduce housing costs and increase housing choice for low-income households.

#### Conclusion

The proposal is consistent with the applicable Housing goals, policies, and action measures listed in this section.

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

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

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.

#### Findings

The City submitted the proposed amendments to Metro on August 17, 2023, which was at least 35 days prior to the first evidentiary hearing of September 25, 2023. 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 on August 17, 2023, at least 35 days prior to the first evidentiary hearing. The proposal is consistent with this title.

### **D. Metro Regional Transportation Functional Plan**

#### ***Title 4 - Regional Parking Management***

This title requires the City to have parking minimums and maximums near transit at specific low levels to encourage transit use. The City must also have regulations for parking lots around size, pedestrian compatibility, and parking policies in regional centers.

#### Findings

The proposed development code changes have less required parking than the Metro allowed minimums, thus they are aligned with the intent of the title.

### Conclusion

The proposal is consistent with the applicable policies.

### **Title 5 - Amendment of Comprehensive Plans**

This title requires the City to consider certain transportation solutions when undertaking analysis of new transportation facilities.

### Findings

The proposed development code changes do not affect the Transportation System Plan or the planned facilities within it.

### Conclusion

Gresham has a Transportation System Plan that is compliant with the Regional Transportation Functional Plan (RTFP). The proposed Development Code changes are not relevant to this section as they do not change the Transportation System Plan. The City has submitted the proposed amendments to Metro on August 17, 2023, at least 35 days prior to the first evidentiary hearing. As of the date of this report Metro has not responded with comments.

## **E. Oregon Statewide Planning Goals**

### **Statewide Planning Goal 1 - Citizen Involvement**

This goal requires that cities “insure the opportunity for citizens to be involved in all phases of the planning process.”

### Findings

The public process was provided through web updates, email updates, 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.

### Conclusion

The proposed amendments comply with Statewide Planning Goal 1.

### **Statewide Planning Goal 2 - Land Use Planning**

This goal 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.” The goal requires that “plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.”

### Findings

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

and the Metro Urban Growth Management Functional Plan and Regional Transportation Functional Plan.

### Conclusion

The proposed amendments comply with Statewide Planning Goal 2. DLCD has contacted the City regarding the notice for these amendments and provided feedback on how to adjust some language to be in compliance with the CFEC rule making. Staff have made those adjustments in the proposal.

### ***Statewide Planning Goal 12 - Transportation***

This goal requires cities “To provide and encourage a safe, convenient and economic transportation system.” The goal requires cities to maintain a Transportation System Plan that will “(4) *avoid principal reliance upon any one mode of transportation ...*” and “(9) *conform with local and regional comprehensive land use plans.*”

### Findings

The City has an approved Transportation System Plan which conforms to local and regional land use plans. The proposed amendments do not make changes to the Transportation System Plan, but are aligned with reducing reliance on a single mode by removing parking minimums in areas close to frequent transit.

### Conclusion

The proposed amendments comply with Statewide Planning Goal 12.

## **SECTION VIII**

### **CONCLUSION**

The proposed comprehensive plan amendments attached as Exhibit ‘A’ 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 RTFP Titles, and the applicable Oregon Statewide Planning Goals as indicated by findings contained or referenced in Section VI of this report.

## **SECTION IX**

### **RECOMMENDATION**

Staff recommends **adoption** of the proposed comprehensive plan amendments as contained in the attached Exhibit ‘A’ and its attachment.

***End of Staff Report***