

SECTION 11.0200

INITIATION AND CLASSIFICATION OF APPLICATIONS

11.0200 Initiation and Classification of Applications

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- 11.0203 Classification of Applications by Procedure
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11.0200 Initiation and Classification of Applications

11.0201 Initiation of an Application

- A. An application subject to a Type I, II, III or IV procedure may be initiated by:
 - 1. The owner of the subject property, or any person authorized in writing to act as agent of the owner; or
 - 2. The City Council.
- B. Only the City Council may initiate a Type IV legislative application to amend the text or map of the Gresham Community Development Plan or Code.

11.0202 Withdrawal of an Application

- A. An applicant may withdraw an application before it is deemed complete or may withdraw an application previously deemed complete at any time prior to adoption of a final city decision if the Manager determines that:
 - 1. The owner or authorized agent request in writing to withdraw the application; and
 - 2. No violation of this code has been identified on the subject property, or processing of the application would not correct the identified violation.
- B. The Manager may withdraw any city initiated application at any time.
- C. If an application is withdrawn after public notice of a hearing has been mailed, the Manager shall send written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing. This provision shall not apply to Type IV legislative applications that require city-wide mailed notice.

11.0203 Classification of Applications by Procedure

- A. Procedure Types. An application shall be subject to the procedure type specified in the code. **Table 11.0204** identifies the procedure type for the majority of the land use applications described in this code. If the code does not specify a procedure type for a given application and another procedure is not required by law, the Manager shall determine the appropriate procedure based on the following guidelines:
 - 1. Type I procedures apply to ministerial permits and applications based on clear and objective approval criteria or criteria that require the exercise of professional judgment only about technical issues.

2. Type II procedures apply to administrative permits and applications based on approval criteria that are reasonably objective, requiring only limited discretion.
3. Type III procedures apply to quasi-judicial permits and applications based on approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest.
4. Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance. The Type IV procedure generally applies to a relatively large geographic area containing many property owners.

B. Determination of Proper Procedure Type and Concurrent Reviews

1. The Manager shall determine whether a permit or application is categorized as Type I, II, III or IV in accordance with the guidelines set forth above. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate.
2. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually or concurrently under the procedures identified by the code, with the reviews ordered from highest level of review to lowest level of review. When a new or revised Future Street Plan is done concurrently with a Design Review Type E, it must be done as a Type II with a Manager’s decision.
3. The applicant may determine whether the application will be processed collectively or individually, with the exception of single family attached dwellings which require a combined (concurrent) review consisting of design review and land division and with the exception of a new or revised Future Street Plan, done concurrently with a Design Review Type E, which shall be done as a Type II.
4. In the event that the completed applications that are processed collectively involve applications where the decision making authority is a combination of the Manager, the Hearings Officer, Design Commission or Planning Commission, the decision making authority will be the highest decision authority assigned by **Table 11.0204**.
5. Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure type (except Type IV) which provides greater notice and opportunity to participate than would otherwise be required and with the exception of a new or revised Future Street Plan, done concurrently with a Design Review Type E, which must be done as a Type II.

11.0204 Review Authorities

- A. Purpose.** Review authorities are established to make recommendations and decisions on land use applications and to recommend land use policy to the City Council. The review authorities provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review authorities that make quasi-judicial decisions do so under authority delegated by the City Council.

The review authorities identified in **Table 11.0204** are empowered to perform the powers and duties as assigned in Chapter 2 of the Gresham Revised Code.

Table 11.0204

Land Use Applications and Review Authorities

R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
RESIDENTIAL										
10.0100	Accessory Dwelling Units*	N	II	D	A					
10.0410	Conversion of Elderly Housing	Y	II	D	A					
10.0400	Conversion of Residential Units	N	II	D	A					
10.0502	Home Occupation	N	I	D	A					
10.0502	Home Occupation	N	II	D	A					
10.1300	Health Hardship Dwelling Unit	N	I	D	A					
4.0135	Single Family Dwelling/Duplex on a Lot	N	I	D	A					
5.0100	Floodplain Development	N	II	D	A					
5.0100	Minor Floodplain Development*****	N	I	D	A					
LOTS AND PARCELS (6.0000)										
6.0020	Condominium Creation	Y	II	D	A					
6.0020	Condominium - Final Plat	N	I	D	A					
6.0200	Partition	Y	II	D	A					
6.0300	Planned Developments	Y	III		D				A	
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A					
6.0200	Subdivision - Preliminary	Y	II	D	A					
6.0001	Land Division - Final Plat	N	I	D	A					
6.0410	Extension of land use decision	N	I	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
OVERLAY DISTRICTS (5.0000 and A4.000)										
5.0000	Special Purpose District Boundary Revisions	Y	III		D				A	
5.0300	Historic Landmarks									
5.0327	Removal from List	Y	II	D	A		R			
5.0322	Demolition of Historic Landmark	Y	III		D		R	A		
5.0321	Alteration of Historic Landmark	N	III		D		R	A		
5.0326	Addition to list	N	IV				R			D
5.0400	Habitat Conservation Area									
5.0411, 5.0412	Development in HCA	Y	II	D	A					
5.0413	Minor HCA Variance (5.0413.D or 5.0413.E)	Y	II	D	A					
5.0413	Major HCA Variance (5.0413.D or 5.0413.E)	Y	III		D					A
5.0414	City-initiated modification/correction of HCA map	N	I	D	A					
5.0414	Applicant-initiated modification/correction of HCA map	Y	II	D	A					
5.0500	Open Space									

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5.0500	Open Space Dedication, in Open Space or Natural Resource Site	N	I	D	A					
5.0500	Open Space Dedication in other areas	N	II	D	A					
5.0100	Floodplain Development Permit	Y	II	D	A					
5.0100	Floodplain Development Permit (if restoration)	N	I	D	A					
RENEWABLE ENERGY SYSTEMS										
10.0910	<u>Solar Energy Systems</u>									
	Small (Scale) Solar Energy System	N	I	D	A					
	Medium (Scale) Solar Energy System	N	I	D	A					
	Large (Scale) Solar Energy System	Y	II	D	A					
10.0920	<u>Wind Energy Systems</u>									
	Small (Scale) Wind Energy System	Y	II	D	A					
	Medium (Scale) Wind Energy System	Y	II	D	A					
	Large (Scale) Wind Energy System	Y	III		D				A	
10.0930	<u>Biomass Energy Systems</u>									
	Small (Scale) Biomass Energy System	N	I	D	A					
	Large (Scale) Biomass Energy System	Y	II	D	A					
10.0940	<u>Geothermal Energy Systems</u>									
	Small (Scale) Geothermal Energy System	N	I	D	A					
	Large (Scale) Geothermal Energy System	Y	II	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
10.0950	<u>Micro-Hydro Energy Systems</u>									
	Small (Scale) Micro-Hydro Energy System	Y	II	D	A					
	EV Charging Unit ¹ ¹ Building permit only is required	N	I	D	A					
MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations	N	II	D	A					
11.0107	Application for Staff Interpretation	N	II	D	A					
3.0206	Determination of Similar Use	N	II	D	A					
10.1530	Major Variance****	Y	III		D					A
10.1510	Minor Variance	N	II	D	A					
11.0104	Modification of Conditions*****	N	**							
10.1521	Modification of Regulations	N	II	D	A					
9.0110	Alternative Buffers	N	II	D	A					
7.0212	Solid Waste Collection Standard exception	N	II	D	A					
TREES (9.1000)										
	Tree removal of:									
9.1000	Hazard Trees	N	I	D	A					
9.1000	Hazard Trees in Overlays and Significant Trees	N	II	D	A					
9.1000	Imminent Hazard Trees	N	I	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
	Tree removal <u>during development</u> for all uses:									
9.1000	Removal of Regulated Trees in excess of the number exempt from a permit and Significant Trees	N	II	D	A					
9.1000	Removal of 3 or fewer Regulated Trees in certain overlay districts	N	I	D	A					
9.1000	Removal of other Regulated Trees in certain overlay districts	N	II	D	A					
	Tree removal <u>post development</u> for all uses and land designated for those uses:									
9.1000	Tree Removal of Regulated Trees in excess of the number exempt from a permit and Significant Trees	N	II	D	A					
9.1000	Removal of Required Trees; and 3 or fewer non-native or invasive Regulated Trees In certain overlay districts	N	I	D	A					
9.1000	Removal of other Regulated Trees in certain overlay districts	N	II	D	A					
9.1000	Significant Tree Designation	N	II	D	A	R				
9.1000	Significant Tree Designation Removal	N	II	D	A	R				

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
DESIGN REVIEW (7.0000)										
7.0003	Design Review A	N	I	D	A					
7.0003	Design Review B	N	I	D	A					
7.0003	Design Review C	N	II	D	A					
7.0003	Design Review D, Non-Design District	Y	II	D	A					
7.0003	Design Review D, Design District	Y	II	D				A		
7.0003	Design Review D, Design District, Exempt from Design Standards and Guidelines	Y	II	D	A					
7.0003	Design Review E, Design District	Y	III					D		A
SPECIAL USE REVIEW (8.0100)										
8.0110	Special Use Review II	Y	II	D	A					
8.0140	Special Use Review III***	Y	III		D				A	
	Design District	Y	III					D		A
NON-CONFORMING USES (8.0200)										
8.0250	Establishment	N	I	D	A					
8.0220	Replacement	N	I, II	D	A					
8.0200	Expansion	Y	II	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
INSTITUTIONAL MASTER PLANS (8.0300)										
8.0303	Institutional Master Plan	Y	III						D	A
8.0303	Institutional Master Plan Final	N	I	D					A	
8.0303	Institutional Master Plans Modifications	Y	III						D	A
8.0303	Institutional Master Plans Limited Review	Y	II	D					A	
TEMPORARY, INTERMITTENT AND INTERIM USES (10.1400) AND FOOD AND BEVERAGE CARTS (10.1600)										
10.1400	Temporary or Intermittent Use Permit	N	I	D	A					
10.1400 10.1600	Interim Use or Food and Beverage Cart Permit									
10.1400 10.1600	Applications for replacement Agricultural Product Sales; Commercial Stands, Long Term; or Food and Beverage Carts at sites previously approved for that purpose	N	I	D	A					
10.1400 10.1600	All reviews for Other Interim Uses Initial review for new sites for Agricultural Product Sales; Commercial Stands, Long Term; or Food and Beverage Carts or for sites where the number of Interim Uses or Food and Beverage Carts is proposed to exceed that previously approved	N	II	D	A					

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
TRANSPORTATION										
9.0700	Future Street Plans									
9.0700	New or revised, in conjunction with a land division and/or design review	Y	II	D	A					
9.0700	New or revised future street plan, independent of other land use review	Y	III		D					A
9.0700	Revision in conjunction with the Community Development Plan	N	IV						R	D
A13.000	Street Name Change	N	IV						R	D
OTHER										
11.0106	Extension of land use approval	N	I	D	A					
A1.0000	Annexation	Y	IV							D
12.0000	Code or Plan Map Amendment									
12.0000	One parcel or small group of parcels	Y	III						R	D
12.0000	Conditioned	Y	III						R	D
12.0000	Large area/multiple ownerships	N	IV						R	D
11.0206	Code or Plan Text Amendment	N	IV						R	D
4.1470-4.1486, 4.1530-4.1535	Master Plans	Y	III						D	A

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Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Urban Forestry Comm.	Historic Resources Committee	Design Commission	Planning Commission	City Council
A6.010	Sign Permit (Design Commission review if sign is part of a project requiring Commission review)	N	I	D	A			R		
A7.000	Vacations	Y	IV						R	D
4.1432, 4.1452, 4.1572 & 4.1592	ESRA Modification		II	D	A					
10.0700	Resource Utilization Permit	Y	III		D					A
	Miscellaneous Type I	N	I	D	A					
	Miscellaneous Type II	N	II	D	A					
	Miscellaneous Type III	Y	III		D					A
*	Exceptions: Accessory Dwellings in the DCC, DMU, DTM, DRL-1, DRL-2 and CNRM Districts limited to no more than 750 square feet shall be processed as Type I applications. In all other districts, Accessory Dwellings located within a single-family home and limited to no more than 900 square feet shall be processed as a Type I application.									
**	Level of review for modification shall be the same level of review as for the component of the application for which the modification is sought, unless specified otherwise.									
***	Unless noted in Section 8.0100 that the Planning Commission is the decision authority. In that case, the City Council is the appeal authority.									
****	All variances to height in the GBSV District are Major Variances. The decision authority is the Planning Commission, with appeals heard by the City Council.									
*****	Modifications to DR-E application approvals are governed by the provisions of Section 11.0108.									
*****	Development listed in Section 5.0104(A)(2).									

