

SECTION 11.0200

INITIATION AND CLASSIFICATION OF APPLICATIONS

11.0200 Initiation and Classification of Applications

- 11.0201 Initiation of Application
- 11.0202 Withdrawal of Application
- 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.
- C. A Middle Housing Land Division application may be initiated by the owner of the subject property, or any person authorized in writing to act as agent of the owner.

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- C. If an application is withdrawn after public notice of a hearing has been mailed, the Manager shall send written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.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 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.
- C. Middle Housing Land Division.** A Middle Housing Land Division (**Section 6.0500**) is not a land use decision or a limited land use decision (ORS 197.015).
- D.** A conversion of a hotel or motel to an emergency shelter or to affordable housing under **Section 10.0420** is not land use decision or a limited land use decision (ORS 197.015).
- E.** An application for an affordable housing development under **Section 10.1700** is not a unique application type. An affordable housing development application, including an application for a residential use in a land use district exclusively permitted under **Section 10.1700** shall be subject to the procedure type specified in **Table 11.0204**.

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
 UFS = Urban Forestry Subcommittee HRS = Historic Resources Subcommittee DC = Design Commission PC = Planning Commission CC: City Council

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Residential										
4.0134	Single Detached/Middle Housing on a lot	N	I	D	A					
5.0210	Single Detached/Middle Housing HGRO	N	I	D	A					
5.0710	Single Detached/Middle Housing NRO	N	I	D	A					
10.0100	Accessory Dwelling Unit									
	Interior Conversions & Detached 750 sq ft ADUs in DCC, DTM, DRL-1, DRL-2, & CNRM	N	I	D	A					
	All other ADUs	N	II	D	A					
10.0500	Home Occupation									
	Review Exception Standards of 10.0504	N	I	D	A					
	All other Home Occupations	N	II	D	A					
10.1300	Temporary Health Hardship	N	I	D	A					

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Overlays										
5.0100	Floodplain									
	Minor Floodplain Development listed in Section 5.0104(A)(2)	N	I	D	A					
	Floodplain Development	N	II	D	A					
5.0200	Hillside & Geologic Risk									
5.0208.D	Programmatic Permit	N	II	D	A					
5.0209 - 5.0211	Stand-alone Permits	N	I	D	A					

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Overlays										
5.0212	Alternate Review	N	II	D	A					
5.0300	Historic & Cultural Landmarks									
5.0322	Addition to Historic and Cultural Landmarks List	N	IV				R			D
5.0322	Designation of National Register Resources as Historic and Cultural Landmarks	N	I	D	A					
5.0323	Removal from List per 5.0323(A)(1)	N	I	D	A					
5.0323	Change in Status or Removal from List per 5.0323(A)(2)(a) or (b)	Y	II	D	A		R			
5.0323	Removal from List per 5.0323(A)(2)(c)	N	I	D	A					
5.0333	Relocation or Exterior Alterations of Class 1 Historic Landmarks	N	III		D		R	A		
5.0334	Demolition of Landmark Buildings	Y	III		D		R	A		
5.0335	Demolition or Relocation of National Register Resources	Y	III		D		R	A		
5.0500	Open Space									
	Open Space Dedication, in Open Space or Natural Resource Site	N	I	D	A					
	Open Space Dedication in other areas	N	II	D	A					
	Open Space Boundary Revisions	Y	III		D				A	
5.0600	Gresham Butte Scenic View									
12.0011	Gresham Butte Scenic View Boundary Revisions	Y	III		D				A	
5.0700	Natural Resource									
5.0703(B)	Potential Resource Area Determination	N	I	D	A					
5.0708(A)	Dangerous Tree Removal	N	I	D	A					

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Overlays										
5.0708(B)	Programmatic Permit	N	II	D	A					
5.0710(A)	Development of a single detached dwelling or middle housing on a lot of record	N	I	D	A					
5.0710(B)	Linear utility facilities	N	I	D	A					
5.0710(C)	Non-linear utility facilities	N	I	D	A					
5.0710(D)	Rights of ways and public access easements	N	I	D	A					
5.0710(E)	Public trails and paths and park enhancements	N	I	D	A					
5.0710(F)	Municipal utility facilities	N	II	D	A					
5.0710(G)(1-8)	Land divisions	Y	II	D	A					
5.0710(G)(9)	Property line adjustment	N	I	D	A					
5.0710(H)	Other development activities in a RA (other than those activities listed above)	N	I	D	A					
5.0711(E)	Request for payment-in-lieu of mitigation	Y	II	D	A					
5.0712	Alternative review	Y	II	D	A					
5.0715(C)	Map Administration and Correction	N	I	D	A					

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Land Divisions²										
6.0020	Condominium Review	Y	II	D	A					
6.0020	Condominium - Final Plat	N	I	D	A					
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A					
6.0200	Partition/Subdivision - Preliminary	Y	II	D	A					

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Land Divisions²										
6.0300	Planned Developments	Y	III		D				A	
6.0400	Land Division - Final Plat	N	I	D	A					
6.0411	Reinstatement of Tentative Plan	N	II	D	A					

Table Note

² A Middle Housing Land Division is not a land use decision or a limited land use decision under ORS 197.015, see Section 6.0500.

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Design Review										
7.0003	Design Review A	N	I	D	A					
7.0003	Design Review B	N	I	D	A					
7.0003	Design Review C	N ³	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

Table Note

³ Pre-application meetings required only for development described in 7.0003(C)(3)(b) and (c).

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Special & Nonconforming Uses										
8.0110	Special Use Review II	Y	II	D	A					
8.0140	Special Use Review III ⁴	Y	III		D				A	

Table Note

⁴ Unless noted in Section 8.0100 that the Planning Commission or Design Commission is the decision authority, in which case, the City Council is the appeal authority.

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Non-Conforming Uses										
8.0220	Replacement									
	Essentially identical	N	I	D	A					
	Substantially similar	N	II	D	A					
8.0220	Expansion	Y	II	D	A					
8.0250	Establishment	N	I	D	A					

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Master Plans										
8.0300	Institutional Master Plans									
8.0303	Institutional Master Plan	Y	III						D	A
8.0303	Institutional Master Plan Final	N	I	D					A	

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Master Plans										
8.0303	Institutional Master Plans Modifications	Y	III						D	A
8.0303	Institutional Master Plan Limited Review	Y	II	D					A	
4.1470, 4.1530	New Community Master Plans	Y	III						D	A

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Trees										
9.1000	Tree Removal									
9.1021, 9.1032	Imminent Hazard Trees	N	I	D	A					
9.1021, 9.1032	Hazard Trees	N	I	D	A					
9.1056	Significant Trees	N	II	D	A					
9.1021, 9.1032	Removal of Regulated Trees in excess of the number exempt from a permit	N	II	D	A					
9.1050	Significant Trees									
9.1052	Significant Tree Designation	N	II	D	A	R				
9.1053	Significant Tree Designation Removal	N	II	D	A	R				

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Modifications & Variances										
3.0206	Determination of Similar Use	N	II	D	A					

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Modifications & Variances										
7.0212(D)	Solid Waste Collection Standard exception	N	II	D	A					
9.0110	Alternative Buffers	N	II	D	A					
10.1510	Minor Variance	N	II	D	A					
10.1520	Reduction in Minimum Street Frontage	N	II	D	A					
10.1521	Modification of Regulations	N	II	D	A					
10.1522	Modification of Dedications and Other Requirements	N	II	D	A					
10.1530	Major Variance ⁵	Y	III		D					
11.0104	Modification of Conditions (Modifications to DR-E per Section 11.0108)	N	⁶							
11.0107	Application for Staff Interpretation	N	II	D	A					

Table Note

⁵ 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.

⁶ 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.

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Temporary, Intermittent & Interim Uses / Food Carts										
10.1400	Temporary or Intermittent Use Permit	N	I	D	A					
10.1400 10.1600	Interim Use or Food Cart Permit									
10.1400,	Applications for replacement Agricultural	N	I	D	A					

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Temporary, Intermittent & Interim Uses / Food Carts										
10.1600	Product Sales; Commercial Stands, Long Term; or Food Carts (other than new Food Cart Pod or those with new vehicle access).									
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 Carts or for sites where the number of Interim Uses or Food Cart Pods or Food Carts proposing new vehicle access.	N	II	D	A					

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Renewable Energy Systems										
10.0910	Solar Energy Systems									
	Small & Medium (Scale) Solar Energy System	N	I	D	A					
	Large (Scale) Solar Energy System	Y	II	D	A					
10.0920	Wind Energy Systems									
	Small & Medium (Scale) Wind Energy System	Y	II	D	A					
	Large (Scale) Wind Energy System	Y	III		D				A	
10.0930	Biomass Energy Systems									
	Small (Scale) Biomass Energy System	N	I	D	A					
	Large (Scale) Biomass Energy System	Y	II	D	A					

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Renewable Energy Systems										
10.0940	Geothermal Energy Systems									
	Small (Scale) Geothermal Energy System	N	I	D	A					
	Large (Scale) Geothermal Energy System	Y	II	D	A					
10.0950	Micro-Hydro Energy Systems									
	Small (Scale) Micro-Hydro Energy System	Y	II	D	A					
9.0827	EV Charging Unit ⁷	N	I	D	A					

⁷ Building permit only is required

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
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 Code	N	IV						R	D
A13.000	Renaming of Existing Public Streets or Assignment of a Name to a Public Street Platted without a Name	N	IV						R	D

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Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Other										
10.0700	Resource Utilization Permit	Y	III		D					A
11.0106	Extension of land use approval	N	I	D	A					
11.0206	Code or Plan Text Amendment (Council Initiated)	N	IV						R	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
A1.0000	Annexation	Y	IV							D
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

Code	Application	Pre-App	Type	Manager	Hearings Officer	UFS	HRS	DC	PC	CC
Unlisted										
	Miscellaneous Type I	N	I	D	A					
	Miscellaneous Type II	N	II	D	A					
	Miscellaneous Type III	Y	III		D					A

