Land Use Guide for Gresham Neighborhood Associations

How to use this guide

This land use guide was written by Carol Rulla, President of the Coalition of Gresham Neighborhood Associations, to help Neighborhood Association leaders carry out their role in Gresham's land use process. It's meant to be a guide from the Neighborhood Association perspective, not a guide to other aspects of the land use process.

This guide is divided into four main sections:

- Overview of Gresham's Land Use Process as it applies to Neighborhood Associations
 To give a summary of the process, especially for new leaders
- Specific Questions and Answers about Gresham's Land Use Process

 To serve as a reference guide, especially when dealing with a specific
 development application

The Q&A is organized into these sections:

- A. Neighborhood Associations and Gresham's Land Use Process
- B. Gresham's Land Use Reviews
- C. Tools and Resources
- D. Step-by-Step through Gresham's Land Use Process
 - 1. Pre-Application Conference
 - 2. Early Neighborhood Notification (ENN)
 - 3. Development Application Submittal
 - 4. Public Comment
 - 5. Decision and Appeals
 - 6. After the Final Decision
- E. Changing the Code and Process

To search for information, use the pdf Find feature or the links from the Table of Questions at the beginning of the Q&A section.

- Sample Documents [separate Samples pdf]
 - o "Pre-Application Conference Routing Form"
 - o "Development Permit Application Comments" form
 - "Notice of Application for a Land Use Development Permit"
 - "Notice of a Public Hearing"
 - "Notice of Decision"
- Glossary of Acronyms and Terms [separate Glossary pdf]

If you have any questions or suggestions about this guide, please contact Carol Rulla or the Office of Neighborhoods and Community Engagement.

Overview of Gresham's Land Use Process as it applies to Neighborhood Associations

(see the following Q&A in this guide for more details)

In Gresham, neighborhood associations (NAs) are involved in land use decisions through the Early Neighborhood Notification (ENN) process and through the public comment process. The ENN process happens before a developer files a development application, and the public comment process happens after an application is filed but before a decision is made.

Gresham has four types of land use applications, but only two (Types II & III) have neighborhood involvement:

- Type I staff decisions that have <u>no</u> public involvement
- Type II staff decisions with a written public comment period and usually ENN
- Type III hearing body decisions with a public hearing and usually ENN
- Type IV legislative decisions to change the code or zoning

If there's neighborhood involvement with an application, the **NA President and Land Use Chair/Director will receive paperwork from the city**:

- For applications with required ENN They will receive the "Pre-Application Conference Routing Form" (and the Land Use Chair/Director will also receive the applicant's proposed plans). The form is informational only. It includes information on the developer and the property, plus a brief summary of the tentative proposal.
- **For applications with public comment** They will first receive the "Development Permit Application Comments" routing form (and the Land Use Chair/Director will also receive the applicant's submitted plans) as a heads-up that the public comment period is about to start. Within a week or so, they will receive:
 - For Type II applications (i.e., written public comment only) a "Notice of Application for a Land Use Development Permit." It will include the deadline for public comments, how to submit comments, a brief summary of the proposed development and a list of applicable codes.
 - For Type III applications (i.e., public hearings) a "Notice of a Public Hearing." It will include the date of the hearing, how to submit written comments before the hearing, a brief summary of the proposed development and a lists of applicable codes.

When ENN is required, the developer must hold a neighborhood meeting after his preapplication conference (with city staff) and before he submits a development application. The developer must e-mail the affected NA President and Land Use Chair/Director to offer the NA the opportunity to have input on when and where the neighborhood meeting takes place. In order to have input on meeting details, the NA must reply within 5 business days. Once the ENN meeting date, time and location are decided, it's then the developer's responsibility to set up and hold the meeting.

The main purpose of the ENN meeting is to provide an opportunity for direct dialogue between the developer and neighbors early in the development process – when the developer is better able to respond to concerns and suggestions before a lot of time and money has been spent creating detailed and expensive plans for a formal application.

Once the ENN process is completed, the developer may submit a development application to the city. Staff then reviews the application to make sure that everything that's needed to make a decision on the application has been submitted. Once everything's submitted, the application is "deemed complete" and staff sends out the applicable notices to solicit public comment – either through a written public comment period or a public hearing. Then staff or the hearing body reviews the application & public comments and makes a decision. Anyone who makes public comments has "standing" to appeal the decision. After any appeal is over and the decision is final, there is no further official NA involvement. However, if there are any concerns about a development as it's being built, the NA should contact the planner assigned to the project.

<u>Note</u> – Land use projects can be in the middle of the process when new NA board members are elected. Ideally, former board members will pass on previously received paperwork and give background on in-process projects to put them into context. For more details about Gresham's land use process and where to get help, refer to the subsequent sections of this guide or contact staff. Also, other NA leaders may be able to help, especially with ideas on how to handle situations. The monthly meetings of the Coalition of Gresham Neighborhood Associations provide a good way to connect with the leaders of other NAs.

Table of Questions

Use this list to orient yourself to the topics the guide covers or click on a question below to take you to its answer.

A. Getting Land Use Information from the City

- 1. How are neighborhood associations involved in Gresham's land use decisions?
- 2. Who in my neighborhood association gets land use documents from the city?
- 3. How do I let the city know who my neighborhood association's land use contacts are?
- 4. What kinds of land use documents does the city send to neighborhood associations?
- 5. What do I need to do to review land use documents at City Hall?

B. Gresham's Land Use Reviews

- 1. What are the types of land use review processes in Gresham, and which require neighborhood involvement?
 - a. Type I Reviews
 - b. Type II Reviews
 - c. Type III Reviews
 - d. Type IV Reviews
- 2. What is Design Review?
- 3. What are Design Districts?
- 4. What are Design Guidelines and Standards?
- 5. What is the "Clear and Objective Process" vs. the "Discretionary Process"?
- 6. How does "Design Review" fit with a development's "Review Type"?
- 7. What types of development don't require a development permit application?

C. Tools and Resources

- 1. What tools resources are there to help me with the land use process?
 - a. Development Code
 - b. Online GIS Maps
 - GreshamView
 - Old GreshamView
 - PortlandMaps
 - c. Land Use Project Tracking System
 - d. Projects in Progress

D. Step-by-Step through Gresham's Land Use Process

1. Pre-Application Conference

- a. I received a "Pre-Application Conference Routing Form"; what does it mean?
- b. What is a pre-application conference / "pre-app"?

- c. What do the entries on the Pre-Application Conference Routing Form mean?
- d. The developer has had a pre-app conference, how can I find out more about the development proposal?
- e. What is a Pre-Application Summary?
- f. The Land Use Project Tracking system lists a file's status as "CLOSED"; what does that mean?

2. Early Neighborhood Notification (ENN)

- a. What is Early Neighborhood Notification (ENN)?
- b. Who do developers contact in my neighborhood association about an ENN meeting?
- c. A developer has contacted me about an ENN meeting; what do I do?
- d. What should I consider when suggesting possible ENN meeting dates?
- e. Who is responsible for holding ENN meetings?
- f. What must happen before an ENN meeting?
- g. What does the neighborhood association need to do at an ENN meeting?
- h. What happens after an ENN meeting?
- i. What should I do if I disagree with a developer's notes from an ENN meeting,?
- j. How can I recruit volunteers to help with land use issues?
- k. I received a Pre-Application Conference Routing Form, but the developer never contacted me about an ENN meeting; is that a problem?

3. Development Application Submittal

- a. When can a developer submit a development application after the ENN process?
- b. How does a neighborhood association know that a development application has been submitted?
- c. The developer has submitted an application, how can I find out about the application?
- d. The developer held an ENN meeting but didn't submit an application; is that a problem?
- e. I received a "Development Permit Application Comments" form; what does it mean?
- f. What does it mean for an application to be "deemed complete" and what is the "120-day clock"?
- g. I received a copy of the developer's application and it's different from what was presented at the ENN meeting; what can I do?
- h. I received a copy of the developer's application submission but I didn't know anything about it and there was no ENN meeting; is this allowed?
- i. What are variances and how are they reviewed?
- j. How can a modification to the street/sidewalk/something in the right-of-way already be approved when the application hasn't yet had public comment?

4. Public Comment

- a. I received a notice entitled "Public Comment Opportunity"; what does it mean?
 - "Notice of Application for a Land Use Development Permit
 - "Notice of a Public Hearing"
- b. What is the public comment period?
- c. Why is there a hearing (or not a hearing)?
- d. What is the difference between the Planning Commission and the Design Commission? Who is the Hearings Officer? When does the City Council make land use decisions?
- e. What happens in a public hearing?
- f. What are the signs that are posted on the property?
- g. When can a neighborhood association make public comment?
- h. What happens when a neighborhood association or an individual makes public comment, and what kinds of things should go in public comments?

5. Decision and Appeals

- a. What must a neighborhood association do to appeal a land use decision?
- b. What happens when a land use decision is appealed?

6. After the Final Decision

- a. What happens after a development application decision is final?
- b. Can a development's plan change after it's approved?
- c. Where can I get help if I think a development is not being built as approved?

E. Changing the Code and Process

- 1. How can the Development Code be changed?
- 2. How can the Plan Map (zoning) be changed?
- 3. When does the City Council create its annual Council Work Plan?
- 4. How can I keep track of Development Code changes and Plan Map Amendments?
- 5. How can I find out about community forums and open houses?
- 6. How can I get Planning Commission and/or City Council agendas?
- 7. Are there other city entities with agenda distribution lists?

Table of Samples

[to Samples pdf]

- "Pre-Application Conference Routing Form"
- "Development Permit Application Comments" form
- "Notice of Application for a Land Use Development Permit"
- "Notice of a Public Hearing"
- "Notice of Decision"

<u>Land Use Questions & Answers</u> <u>for Gresham Neighborhood Associations</u>

A. Getting Land Use Information from the City

1. How are neighborhood associations involved in Gresham's land use decisions?

Neighborhood associations are involved in land use decisions through the Early Neighborhood Notification (ENN) process and through the public comment process. The ENN process happens before a developer files a development application, and the public comment process happens after an application is filed but before a decision is made. Some land use decisions have no neighborhood involvement.

Return to Table of Questions

2. Who in my neighborhood association gets land use documents from the city?

<u>If neighborhood involvement is required</u>, the President and the Land Use Chair/ Director of a neighborhood association will receive documents from the Planning Department (officially named Urban Designing & Planning or UDP) for proposed developments within their association <u>and</u> for developments within 300 feet of the association's boundaries.

If an association has no the Land Use Chair/ Director, only its President will receive the documents. Neighborhood associations should make every effort to have a land use person so that two people within the association receive documents. Sometimes a Vice President will take on the land use role so that two people receive the information.

If a neighborhood association is inactive, the Office of Neighborhoods and Community Engagement (ONCE) receives the neighborhood's copy of documents from the city. Those documents are simply filed and can be passed on to the new leadership once the association is reactivated.

<u>Irrespective of whether the neighborhood association is active or not</u>, residents within 300 feet of a property being developed will receive a notice from the developer during the ENN process and a notice from the city during the public comment process.

Return to Table of Questions

3. How do I let the city know who my neighborhood association's land use contacts are?

The Office of Neighborhood Associations and Community Engagement provides Urban Design & Planning with neighborhood association contact information. It is therefore very important for neighborhood associations to notify ONCE immediately when they have changes in board members.

Return to Table of Questions

4. What kinds of land use documents does the city send to neighborhood associations?

For a development which requires ENN and public comment, Urban Design & Planning sends neighborhood associations information at three points in the development process:

- a. The "Pre-Application Conference Routing Form" [to Samples pdf] comes at the very beginning of the development process when a developer schedules a preapplication conference with city staff. The Land Use Chair/Director of the association in which the development is located gets the developer's proposed plans along with the routing form, while the President of the association (along with the President and Land Use Chair/Director of any associations within 300 feet of the proposed development) receives only the routing form. This mailing is informational only.
- **b.** The "**Development Permit Application Comments**" [*to Samples pdf*] routing form comes when the development application is deemed complete, right before the notice for public comment goes out. Like with the pre-app form, the Land Use Chair/Director of the association in which the development is located gets the developer's submitted plans along with the routing form, while the President of the association (along with the President and Land Use Chair/Director of any associations within 300 feet of the proposed development) receives only the routing form. This mailing is informational only and provides a heads-up that the public comment period will start soon.
- **c.** The "Notice of Application for a Land Use Development Permit" or the "Notice of a Public Hearing" [to Samples pdf] comes when the public comment period starts. The neighborhood association(s) President(s) and Land Use Chair/Director (s) receive the same notice as neighbors within 300 feet of the property. Any official neighborhood association comments should be made during this public comment period.

<u>Note</u> – There are a few kinds of applications which have a public comment period but <u>NO</u> ENN. For these applications, the city will <u>NOT</u> send the Pre-Application Conference Routing Form.

Return to Table of Questions

5. What do I need to do to review land use documents at City Hall?

Land use documents are available in the Urban Design & Planning office on the 2nd floor of City Hall, so you will need to sign in at the front desk of City Hall and get a badge before going up to Urban Design & Planning. Bring the application file number with you as staff uses that number to identify files. (If you don't know the file number, you can give staff the address and they can look up the number. Staff might also recognize the file from the location and developer's name.) You can review the files there and pay for copies of anything you'd like to take with you. If you have questions about the documents, the planner may be available to talk to you.

Once a project is approved and is in the building stage, go to the Permit Center counter at City Hall to review the E-Plan building plans. <u>Note</u> – Building plans are all submitted electronically, so there are no hard copies to review.

Return to Table of Questions

B. Gresham's Land Use Reviews

1. What are the types of land use review processes in Gresham, and which require neighborhood involvement?

In Gresham, there are four types of land use reviews (Type I, II, III, IV). The review type simply defines the procedures used to review a development application. Generally, higher type reviews are used for development applications with more subjective review criteria or a greater potential for impact on the community.

Table 11.0204 in Article 11 of the Development Code lists the review types for different kinds of applications, who reviews the application, and whether a pre-application conference is required. An Early Neighborhood Notification (ENN) meeting is required if a pre-application conference is required, with one exception—annexations are applications that require a pre-application conference but not an ENN meeting.

Most development applications include aspects that fall under multiple review types in Table 11.0204, and the code specifies that applications must be reviewed under the highest level review type involved. If any aspect of the application requires an ENN meeting, the entire application must go through the ENN process.

[See Development Code Section 11.0200 for the classification of applications and Appendix 1.003(A)(3) for an annexation's exemption from ENN.]

a. Type I Reviews involve permitted uses or developments that are governed by clear and objective code. There is <u>no discretion</u> in these decisions; applications either meet the code or they don't. Consequently, these reviews are done by staff and have <u>no public notice</u>.

Some Type I examples: lot line adjustments, street tree removal, final plats, temporary and intermittent uses, extensions of a decision, low level design reviews.

[For more information, see Development Code Section 11.0300 Type I Ministerial Procedures, and the code sections cited in Table 11.0204.]

b. Type II Reviews involve uses or developments that are governed by reasonably objective code that may require some discretion in the decision but has no widespread community impact. Staff reviews Type II applications. There is usually early neighborhood notification and always public notice, with an opportunity for written public comment and appeal.

Some Type II examples: land divisions, Regulated Tree removal, most design reviews, initial interim use and food cart reviews, minor variances.

[For more information, see Development Code Section 11.0400 Type II Administrative Procedures, and the code sections cited in Table 11.0204.]

c. Type III Reviews are quasi-judicial proceedings with a public hearing. There is either significant discretion in the decision or a broad public impact with the proposed development. There is usually early neighborhood notification and always public notice, with an opportunity for oral or written public comment and appeal.

Some Type III examples: master plans, planned developments, Significant Tree removal, the highest level design review, major variances, Plan Map (zoning) changes for a limited number of parcels.

[For more information, see Development Code Section 11.0500 Type III Quasi-Judicial Procedures, and the code sections cited in Table 11.0204.]

d. Type IV Reviews are legislative proceedings with a public hearing before a recommending body and subsequent a public hearing before the City Council. These decisions are usually about policy and have the potential for city-wide impacts. There is usually <u>no</u> early neighborhood notification, unless it's a site-specific change. There's always public notice through the newspaper and an opportunity for oral or written public comment. However, there's no local appeal of the decision; any appeals go to the Land Use Board of Appeals (LUBA). If a proposal may affect the permissible use of a property, a "Measure 56" notice (required by ORS 227.186) must be mailed to the affected property owners.

Some Type IV examples: Development Code changes, Plan Map (zoning) changes to many parcels, annexations, vacations (undoing of previous land divisions or public property designations), historic resource designations.

[See Development Code Section 11.0600 Type IV Legislative Procedures, and the code sections cited in Table 11.0204.]

Return to Table of Questions

2. What is Design Review?

Design Review is the part of a development application review that looks at the exterior building design, site layout, landscaping, vehicular circulation, parking and other site features. There are only a few kinds of development that are exempt from Design Review, like single-family detached dwellings and some duplexes.

<u>Note</u> – If a new developer takes over an existing project, it's possible that a new Design Review will be needed but not a new review of other aspects of the project (like the streets or lot division) depending on what changes the new developer wants to make.

[For more information, see Development Code Article 7 Design Review. Exemptions from Design Review are listed in Section 7.0002(D).]

Return to Table of Questions

3. What are Design Districts?

Design Districts are areas of the city that have been designated to have their own set of design requirements. Currently, there are six Design Districts within the city:

Three currently have detailed Design Guidelines and Standards -

- Corridor
- Downtown
- Rockwood

Three currently have <u>no</u> detailed Design Guidelines and Standards –

- Civic Neighborhood
- Pleasant Valley
- Springwater

[See Development Code Article 3 for Design District definitions.]

Return to Table of Questions

4. What are Design Guidelines and Standards?

Design Guidelines and Standards are based on Design Principles for the site and for the buildings. Each set of Guidelines and Standards starts with an Intent statement, lists the applicable Principles, sets out Guidelines to meet the Intent, and then lists specific Standards (i.e., specific code requirements) that implement the Guidelines.

Currently, there are detailed Design Guidelines and Standards for three Design Districts – Downtown, Corridor and Rockwood – and for Multi-Family developments.

<u>Note</u> – There are a few kinds of developments that aren't subject to these Design Guidelines and Standards. You can find the exceptions and applicability at the beginning of each set of Guidelines and Standards.

[See Development Code Section 4.1151 for Downtown Design Guidelines and Standards, Section 7.0100 for the Multi-Family Design Guidelines and Standards, Section 7.0500 for the Rockwood Design Guidelines and Standards, and Section 7.0600 for the Corridor Design Guidelines and Standards.]

Return to Table of Questions

5. What is the "Clear and Objective Process" vs. the "Discretionary Process"?

There are two possible processes (also called "tracks") for reviewing applications subject to Design Guidelines and Standards:

- ➤ The Clear and Objective Process (or Track) is the most common process and allows a developer to gain approval for a project by showing that it meets all of the applicable Design Standards (i.e., the specific code requirements).
- ➤ The **Discretionary Process (or Track)** allows a developer more flexibility and creativity to develop a project but also requires that the developer demonstrate

to the Design Commission that the proposal better meets the Design Principles and Intent of the code than following the Guidelines and Standards would.

[See the introductory provisions of the Design Guidelines and Principles – Development Code Section 4.1101(A), 7.0101(d), 7.0501(D) or 7.0601(D).]

Return to Table of Questions

6. How does "Design Review" fit with a development's "Review Type"?

"Design Review" is just evaluating how a development meets the code's requirements for its building design and site design, whereas "Review Type" defines the set of procedures used in reviewing a particular development application.

Gresham's code has five levels of Design Review (A-E), where DR-A is the lowest level of review and DR-E is the highest. When an application includes aspects that fall under more than one Design Review level, the application is reviewed under the highest Design Review level that applies to the proposal.

• **Design Review-A** (DR-A) is a Type I review that is done as part of the Building Permit process.

Some DR-A examples: interior changes, façade updates and small additions (but no change of use) to the existing development.

• **Design Review-B** (DR-B) is a standard Type I review (i.e., staff reviewed, with no public involvement).

Some DR-B examples: moderate-sized additions to existing development where there's no change of use and all other requirements (infrastructure, landscaping, parking, etc.) are met.

• **Design Review-C** (DR-C) is a Type II (staff) review with <u>no</u> pre-application conference requirement and hence <u>no early neighborhood notification</u>. There is still an opportunity for written public comments and appeal.

Some DR-C examples: a change to the primary use of a development, duplexes not in lower density districts, changes to the site (like infrastructure, landscaping, parking, etc.) and smaller changes in a Design District. There can be no increase in residential density and no new buildings.

• **Design Review-D** (DR-D) is a standard Type II review (i.e., staff reviewed, with a required pre-application conference, early neighborhood notification, written public comments and an opportunity for appeal).

Some DR-D examples: most non-Design District new construction that is subject to design review and some smaller Design District projects.

• **Design Review-E** (DR-E) is a Type III review with a public hearing before the Design Commission.

Some DR-E examples: most projects in a Design District and all Design District projects wanting to use the discretionary review track.

[See Development Code Section 7.003 for the Design Review levels (A-E), and Table 11.0204 for the type of review for each Design Review level.]

Return to Table of Questions

7. What types of development don't require a development permit application?

A development permit application isn't required (although a building permit may be) for things like:

- landscaping (by itself),
- internal building changes that don't affect the use of a building,
- most public works projects (streets, sidewalks, etc.),
- most utility work, etc.

While Development Code Section 11.0101(B) states that a building permit is treated as "Development Permit", building permits don't require a development application and instead go through the building permit application process.

[See Development Code Section 11.0102 Exclusions from Development Permit.]

Return to Table of Questions

C. Tools and Resources

1. What tools resources are there to help me with the land use process?

In addition to asking Planning staff for help, there are online resources to help neighborhood associations at Development Planning's webpage for neighborhood associations [http://greshamoregon.gov/NeighborhoodDevelopmentProcess/]. You can also find a link ("Neighborhood Association Land Use Resources") to this on the main Neighborhood Association webpage [http://greshamoregon.gov/Neighborhoods].

Among these resources, there are four online tools that are most helpful with the land use process:

a. Development Code [http://greshamoregon.gov/DevelopmentCode/]

The Development Code (officially known as the Gresham Community Development Code) is Volume 3 of Gresham's Comprehensive Plan. It regulates how private land in Gresham may be developed. Planning staff must base its decisions on this code. In addition to the online copy of the Development Code, there are hardcopies available for review at City Hall. The one in the Office of Neighborhoods and Community Engagement may be checked out by neighborhood associations.

The best way to learn the code is to use it in conjunction with development applications. The planner assigned to a particular application can help you find and understand the portions of the code that apply to that application. You can also find out which codes apply to a particular project in the Pre-application Summary (for the early project plan, available through the Land Use Project Tracking System [see below] or by reviewing the file in the Urban Design & Planning office at City Hall) and on the public notice which is sent to neighborhood associations when the development application is about to be decided.

The structure of the Development Code:

- O The numbering system The Development Code is divided into Articles and Sections or Appendices. The number of the Article is the number before the dot in the Section number (e.g., a section in Article 4 will be of the format "4.###"); the subsections under each Article are defined by the first 2 digits after the dot and correspond to the page numbers (e.g., all sections and tables with the format "4.01##" are in Section 4.0100 and have page numbers with the format "[4.01]-#"). Article 13 contains the Appendices which are labeled with an "A" first then the number of the appendix (e.g., subsections of Appendix 1 are labeled as "A1.###" with page numbers "[A.1]-#".)
- o Articles of the Code that are most helpful to neighborhoods -
 - ➤ **Article 3** contains the definitions (Section 3.0100) and the Land Use Classification System or LUCS (Section 3.0200). The LUCS lists all of the possible land uses that are allowed in the city. The allowable uses are organized into six main categories: Residential, Commercial, Industrial, Institutional, Renewable Energy and Other.
 - ➤ **Article 4** has requirements "land use district" (or zoning), including
 - Tables of Permitted Uses
 - Tables of Development Requirements minimum & maximum lot size requirements, density requirements, setbacks, maximum building heights, etc.
 - Other subsections with various criteria specific to those land use districts.

Within the tables and subsections, you can find references to other code sections that may apply to the proposed project.

Downtown's Design Guidelines and Standards are at the end of Section 4.1100, while the Design Guidelines and Standards for other kinds of development are in Article 7.

➤ **Article 5** has requirements for properties with land use overlays (floodplains, hillsides, historic & cultural landmarks, habitat conservation areas, open space).

➤ **Article 6** has requirements for basic lot design, condos, lot line adjustments, land divisions and planned developments.

Land divisions are called:

- **Partitions** if they create 2-3 lots or
- **Subdivisions** if they create 4 or more lots.
- ➤ **Article 7** has Design Review criteria, which applies to most developments, with the biggest exceptions being single family detached dwellings and duplexes in lower density districts. Section 7.0002(D) lists the uses that are exempt from Design Review, and Section 7.0003 describes which Design Review level (A-E) applies to different kinds of development. Refer to the applicability sections at the beginning of the Design Guidelines and Standards in the different sections of Article 7 to see what projects are subject to the criteria, but *in general*:
 - **Section 7.0100** = multi-family, elderly housing and the residential portion of mixed use projects
 - Section 7.0200 = single family attached dwellings, institutional, non-Design District commercial, industrial and the commercial portion of mixed use projects
 - Section 7.0500 = Rockwood Design District projects
 - **Section 7.0600** = Corridor Design District commercial projects Note Section 4.1100 has Design Review criteria for Downtown.
- ➤ **Article 8** has requirements for special uses (institutional uses, special use reviews, non-conforming uses & development, institutional master plans).
- ➤ **Article 9** has requirements that are common to most developments (buffering, clear vision areas, easements, fencing, grading/drainage/ stormwater control, height transitions, neighborhood circulation & future street plans, parking, projections and tree regulations)
- ➤ **Article 10** has regulations for a variety of minor development types (including accessory dwellings, accessory structures [e.g., sheds], home occupations, temporary uses) and criteria for code variances.
- ➤ **Article 11** gives procedures for various land use developments, from preapplication to development review to appeal. Section 11.0800 has the code on Early Neighborhood Notification (ENN) meetings.
- ➤ **Article 12** has requirements for changing Gresham's Plan Map (i.e., zoning and overlay map).
- The Appendices that neighborhood associations are most likely to need to refer to in the land use process are:

- ➤ **Appendix 5.000** Public Facilities, especially the transportation requirements in A5.500.
- ➤ **Appendix 6.000** Sign Regulations, especially for multi-family and non-residential projects

Some hints on using the Development Code:

- o Find out the "land use district" (or zoning) for the property and whether there are any overlays (like hillside constraints, habitat conservation areas, historic designations, etc.). You can find the land use district and any overlays either from the paperwork on the project (e.g., the Pre-App form or the developer's application) or by using GreshamView. Brief descriptions of the land use districts are in Article 4 and overlays are in Article 5 of the code.
- o <u>Find out how the proposed "use" is classified</u>. The next thing is to look at the requirements for the proposed "use" in the land use district in which the property is located.
 - ➤ See Section 3.0200 of the code for the Land Use Classifications to identify what "use" the proposed project would be classified as (ask the planner if you have any questions).
 - ➤ Then find the section of Article 4 that corresponds to the land use district in which the project is located. In that section of Article 4, you will find a table of Permitted Uses, a table of Development Requirements (like minimum & maximum lot size requirements, density requirements, setbacks, maximum building heights, etc.) and other subsections with various criteria specific to those land use districts. Within the tables and subsections, you can find references to other code sections that may apply to the proposed project.
 - ➤ Refer to Definitions in Article 3 as needed (e.g., see the Density definitions to find out how to calculate the density for a residential project, taking care to note in the Article 4 table whether the calculation is based on net density ["Density, Net"] or net acreage ["Acreage, Net"]).
- o Look for other sections of code that might apply to the application.
 - ➤ If it's before the Pre-Application Conference, you can refer to the description of the Articles above or look at the Table of Contents in the Development Code to get an idea of what code sections apply.
 - After the Pre-Application Conference, staff prepares a Pre-Application Summary, which will list the most general code requirements for the application. You can view the Pre-Application Summary via the Land Use Tracking System (described below) or by visiting Urban Design & Planning at City Hall.
 - ➤ If the application is at the Public Comment stage, the Public Notice will list the Articles of the code that apply to the application. Also, the Neighborhood

Association will have received a copy of the application in which the applicant states how the proposal meets specific code requirements.

IMPORTANT – Be sure to scan the code yourself to be sure that the applicant hasn't skipped over code requirements.

Return to Table of Questions

b. Online GIS Maps

• **GreshamView** [http://maps.greshamoregon.gov/gview/]

GreshamView is an interactive online map of the city which allows you to look up information on any property, such as "zoning" (called "land use districts" in Gresham's code), neighborhood association, property stats, development file numbers, etc. You can search for properties based on the address, business name or county/state Property ID.

Some hints on using GreshamView:

 Search. The property search box is at the upper left. The default search is by address; use the drop down menu to search by business name or ID#.

If you don't find the property you are searching for by address -

- > try entering a "%" followed by the street name. or
- > try entering just the house number.

Then look through the list that comes up on the left. Whenever more than one address matches your search criteria, you must click on the property you want to see.

- O Area. If you want to look at an area of the map, click on the map and it will zoom into the property you clicked on; from there you can maneuver. You can also designate the area you want to zoom in on by holding down the shift key, then clicking and holding down the left mouse button to draw a box.
- o Moving the Map. Click and drag to move the portion of the map on the screen.
- Zoom. Use the mouse's scroll wheel or the slider on the left to zoom in and out.
- o <u>Property Information</u>. Click on a property to show its stats.
- Views. Use the "street map" vs. "aerial photo" slider at the top middle to see a line map vs. aerial photo or some combination of the two.
- <u>Layers</u>. Click on "show map layers" in the upper right corner of the map to access layers that can be overlayed on the map. Some helpful layers for evaluating development applications include:
 - > Zoning
 - Planning overlays (hillsides, habitat conservation areas, etc.)

- Planning Projects
 - useful for finding a file number
 - zoom in close to see all numbers for a particular property
 - one big caveat a recent planning application or building permit number may not show up on GreshamView.
 - use the old GreshamView [see below] to find applications and permits as soon as they're entered into the city's system.
- Neighborhood associations
- > Street classifications

Click on "hide map layers" at the lower left to minimize the layers box.

- Planning Projects. This button above the map will take you to the Land Use Project Tracking System [see below] and allow you to look up documents for the development applications listed under the "Planning Projects" layer.
- O Permits. This button above the map will take you to the Building Permits Tracking System [see below]. Note Neighborhood Associations have no official role in the building permit process (like electrical work, utilities, building construction, etc.), so there's no further information in this guide on that system. Contact staff if you need any help getting information on building permits.

Return to Table of Questions

• Old GreshamView [http://gis.greshamoregon.gov/]

The city's prior online mapping system is still available because it offers some features that the new GreshamView does not – the most helpful of which is its real-time connection to the city's permit application system. As soon as a development application or a building permit is entered into the city's online system, the application or permit will be linked to the applicable property on the old GreshamView. If you want to know whether an application has been filed for a particular property, use old GreshamView to find that property's "Applications & Permits." For most other information, the new GreshamView is better.

Some hints on using Old GreshamView:

- Search.
 - ➤ Look up properties by address (or other identifier, using buttons at the bottom to change).
 - Click on the link for the property you want if more than one address is found.
- Planning Applications and Permits. (Real-time information.) Click on the "Applications & Permits" link in the information that comes up to the right of the map.

- Information on Another Property. Click on the "i" button on the bottom toolbar, then click on the property and the property information will come up to the right of the map.
- o <u>Tools</u>. (on the bottom toolbar the magnifying glasses, hand, "i")
 - ➤ Hover over the tools to see what they do.
 - To use any of the tools, click on the tool first, then on the property.
 - Once you have clicked on a tool, you don't have to click on it again to use the same tool on a different property.
 - ➤ To change tools, click on the new tool, then the property.
- Overlays. Click on the checkbox(es) of the overlay(s) at the top of the screen, then click "Refresh Map" at the top right.
 - ➤ "Active Planning Actions" will show the development applications for all of the properties on the screen, so zoom in to use this overlay.

Return to Table of Questions

- **PortlandMaps.com** is useful if you want to look up tax and owner information on a property in the Portland Metro area.
 - Find a property using its address or intersection.
 - ➤ The webpage that will come up will be the "Property" (2nd line) / "Summary" (3rd line) screen (unless you've already looked at another property, in which case it'll come up on the screen you were looking at for the previous property).
 - ➤ While it's on "Property" (2nd line), click on "Assessor" (3rd line) to find owner information, deeds, tax history and assessed value history.

Return to Table of Questions

c. Land Use Project Tracking System

[https://egov.greshamoregon.gov/Click2GovPZ/]

The Land Use Project Tracking System allows you to check the status of and find documents related to a particular development. You can search for projects based on the file number, address, name, description or parcel/land key.

<u>Note</u> – Pre-applications have different file numbers from subsequent development applications, and building permit file numbers are under a separate system at https://egov.greshamoregon.gov/Click2GovBP/SelectPermit.jsp/.

Some hints on using the Land Use Project Tracking System:

 Project Information shows a coded description of the project (usually the Design Review level is given here, while the Review Type is usually given under the Project Reviews), which planner and development engineer (who reviews the

- infrastructure needs) were assigned to the application, when the application was filed, and whether the application is open or closed or perhaps withdrawn.
- o <u>Project Names</u> shows the contact information for the owner(s) of the property and his representative(s) handling the application.
- o <u>Project Locations</u> shows the site's address(es).
- Project Reviews shows the Review Type (usually), and clicking on the Type link gives a log of the city's handling of the application, including estimated completion dates for the steps of the process. Occasionally there are notes on the particular application's process that might give context.
- Review Documents and Review Comments contain various documents (including pre-application summaries, staff reports for Type III hearings or application decisions). If there are no documents and you think there should be, contact the planner.
 - ➤ Pre-application summaries are particularly helpful to neighborhood associations; these reports indicate whether the developer's early proposal is likely to meet code or not and provide guidance for discussions with the developer during Early Neighborhood Notification.
 - ➤ Type III staff reports are helpful in preparing public comment for Type III hearings.
 - Application decisions tell whether an application was approved or not and whether any conditions were placed on an approval. (Most applications are approved with conditions.)

Return to Table of Questions

d. Projects in Progress

[Access via Development Planning's "Neighborhood Associations Resources" at http://greshamoregon.gov/NeighborhoodDevelopmentProcess/]

"Projects in Progress" is a pdf document that lists the active Development Planning projects. It's organized by neighborhood associations and updated every few weeks, so it's a good resource for seeing what projects are happening in your neighborhood or for following the status of a particular development application. It's one way to find out whether a development application has been filed on a particular project and learn the new application file number. (Another way is to use the old GreshamView's "Applications & Permits" link for the property, which will tell you in real-time if an application has been filed.)

D. Step-by-Step through Gresham's Land Use Process

1. Pre-Application Conference

a. I received a "Pre-Application Conference Routing Form"; what does it mean?

Urban Design & Planning mails a copy of the Pre-Application Conference Routing Form [to Samples pdf] to neighborhood associations to let them know that a developer is considering developing a property in their association or within 300 feet of their association's boundaries. The Land Use Chair/Director of the association containing the property will also receive a copy of the developer's tentative plans. This gives associations the opportunity to find out more about the proposed plans before the developer contacts them about an Early Neighborhood Notification meeting and while the project is in very early stages.

The only thing that the President and Land Use Chair/Director need to do at this point is to start watching for an e-mail from the developer (or his representative) about scheduling an Early Neighborhood Notification meeting.

Associations can be pro-active, though, and can:

- Review the proposal and applicable sections of the Development Code. For help, contact the planner assigned to the project. You can also seek help and advice from other neighborhood association leaders, such as at meetings of the Coalition of Gresham Neighborhood Associations.
- Visit the site. It is very different looking at plans on paper and seeing the situation on the ground.
- Contact neighbors of the proposed development, especially if you are already visiting the site. Ask about special circumstances in the neighborhood and let them know that a developer may hold an ENN meeting if he decides to proceed with his proposal. You can use this opportunity to collect neighbors' contact information and seek their help.
- Let your neighborhood association members know about the proposed development (via e-mail distribution lists, websites, meeting announcements, etc.). Keeping members informed keeps them involved.
- Contact the developer. Most developers are willing to discuss their plans and want to know how to make the process go as smoothly as possible. Remind developers that the ENN process is designed to facilitate communication so that problems/concerns are taken care of early and the developer doesn't get hit with unexpected problems and opposition at the time of application.
 Note Some associations contact the developer pre-emptively to see if the ENN meeting could be incorporated into an upcoming association meeting, while other associations prefer to keep ENN meetings separate from regular meetings.

b. What is a pre-application conference / "pre-app"?

A pre-application conference (or "pre-app") is a private meeting between the developer and city staff. If a project is in a Design District, the developer might be required or may choose to have a consultation with the Design Commission, which is a public meeting. The pre-app conference and possible Design Commission consultation are to give the developer early feedback on his proposal, including a summary of code requirements and procedures, problems staff and/or the Design Commission may identify with the proposal and possible alternatives. The review is <u>not</u> in-depth but is meant to help developers submit feasible plans that limit wasted time for both the developer and the city.

[See Development Code Section 11.0700 Optional Conferences and Pre-Application Conference, and Table 11.0204 to see which application types require a pre-app.]

Return to Table of Questions

c. What do the entries on the Pre-Application Conference Routing Form mean?

The major items on the Pre-Application Conference Routing Form [to Samples pdf] are:

- o **Pre-application file number** (in the upper right corner) is important for looking up the pre-app online and for requesting the file at City Hall. The number is in the format of: (1) an abbreviation of the application type [PA=Pre-App; PAM=Pre-App Major], (2) the two-digit year [13=2013], and (3) an 8-digit number starting with 26, then zeroes, with the last digits being the chronological number of the application's filing for the calendar year.
- Pre-application conference's date and time (below the pre-app file number) are important to neighborhood associations because the ENN meeting must take place after this meeting and the notice for the ENN must take into consideration information from the pre-app conference. Be aware of this when working with a developer to select an ENN meeting date.
- o **Date received** (below the pre-app conference information) shows when the developer submitted the form with his early plans.
- Staff information shows the lead planner (usually last name only) and his
 phone number. (Ignore any permit tech staff information.) The lead planner is
 the person you should contact if you have questions. This same planner will
 generally be assigned the file if it later becomes a development application.
- o **Applicant Information** with the applicant/owner on the left and the representative on the right. Often it is the representative who will contact neighborhood associations about the ENN meeting, and if you want to contact the developer about the proposal, contact the representative first.
- o **Property Description** includes the state ID # and assessor's R# which aren't usually helpful to neighborhood associations within the city's system; it's the site address or location which is usually most helpful. Below the site address is

information on the abutting land use districts (zonings). You can contact the planner if you don't know the abbreviations, or you can find them in the Article 4 of the Development Code. To see a map with the land use districts use the "Zoning" map layer on GreshamView.

- O Plan Designation to the right of the Property Designation gives the land use district (zoning) for the proposed project. Again, you can contact the planner if you don't know the abbreviation(s), or you can find them in the Article 4 of the Development Code. To see a map with the land use districts use the "Zoning" map layer on GreshamView.
- o **Special Purpose Districts** below the Plan Designation lists any special overlays that affect the property (like hillsides, habitat conservation areas, etc.). Again, you can contact the planner if you don't know the abbreviation(s), or you can find them in the Article 5 of the Development Code. To see a map with overlays use the applicable Planning map layer(s) on GreshamView.
- o **Previous Land Use Action** will list the file numbers of previous development applications, including pre-apps. Using the Land Use Project Tracking System to look up these files can sometimes help give insight into the current proposal.
- Description of Proposal below the sections above gives a brief description of the proposal. The Land Use Chair/Director of the association containing the proposed development will get a copy of the applicant's plan documents, and those documents are also available for review at City Hall.
- Routing at the bottom of the form lists the different departments and entities (like neighborhood associations) which received the pre-app form. Note that it specifies who received just the form and who also received the applicant's plan documents.

Return to Table of Questions

d. The developer has had a pre-app conference, how can I find out more about the development proposal?

Neighborhood associations can gain insight into a proposal by reading the Pre-Application Summary which is available within 10 days after the pre-app conference. You can view the report at City Hall or via the Land Use Project Tracking System. You can also talk to the planner assigned to the project via phone, e-mail or in person at City Hall. (If the report isn't online within 10 days, contact the planner; sometimes there are issues that came up in the pre-app conference that need to be added to the report, but occasionally staff simply forgets to make the document "public".)

Return to Table of Questions

e. What is a Pre-Application Summary?

The Pre-Application Summary is the report prepared by staff after a Pre-Application Conference. It briefly describes the general proposal submitted by the developer, summarizes the main code provisions that apply to the proposed development, highlights any potential problems or special considerations in the proposed

development, summarizes the procedures and submittal requirements, and provides estimates of the city's fees for the proposed development.

Return to Table of Questions

f. The Land Use Project Tracking System lists a file's status as "CLOSED"; what does that mean?

When an application is "CLOSED" (sometimes abbreviated "CL"), it just means that that particular application process has been completed.

- When a pre-application file is closed, it means that staff has completed its work from the pre-application conference and has given the applicant the Pre-Application Summary. The development is still "in pre-app" and will use the same pre-app file number through the ENN process, but when the applicant submits a development application, the project will get a new application file number.
- When a subsequent development application file is closed, it means that the decision has been made or the application has expired. If the application was approved, there will be no further official neighborhood involvement unless the developer wants to change his plans significantly. If there are no significant changes, there can still be new application files for the project, such as subsequent Type I land use applications (e.g., for the final plat, extensions, etc.) and non-land use applications like building permits.

Return to Table of Questions

2. Early Neighborhood Notification (ENN)

a. What is Early Neighborhood Notification (ENN)?

Early Neighborhood Notification is required for many kinds of development in Gresham. An ENN meeting provides an opportunity for direct dialogue between developers and neighbors early in the development process. The intent is to inform developers of potential neighborhood concerns and suggestions and to give developers the opportunity to address them as they see fit before the developer has spent a lot of time and money creating detailed and expensive plans for a formal application.

[See Development Code Section 11.0800 Neighborhood Meeting and the "Early Neighborhood Notification Handout" pdf in the Neighborhood Association Land Use Resources for an overview of the ENN process.]

Return to Table of Questions

b. Who do developers contact in my neighborhood association about an ENN meeting?

If an ENN meeting is required for a particular development, the developer (or his representative) must e-mail the President and Land Use Chair/Director of the neighborhood association in which the project is located to allow the association the

opportunity to coordinate the date, time and location of the ENN meeting with the developer.

Once an association knows a developer is having a pre-app conference, it's very important for the President and Land Use Chair/Director to start watching for an e-mail from the developer (or his representative). Most developers will contact the association after the pre-app conference, but some will make contact before the pre-app conference. Even if the developer contacts the association early, the date of ENN meeting cannot be early.

[See Development Code Section 11.0803(A)(5)(a) for who the developer contacts.]

c. A developer has contacted me about an ENN meeting; what do I do?

If your neighborhood association wants any input on the date, time and/or location of the ENN meeting, the President or Land Use Chair/Director <u>must reply</u> to the developer's e-mail <u>within 5 business days</u> of his request to say you want input on the meeting details. You have a total of 10 business days from the developer's initial request to work with him to reach agreement on the meeting date, time and/or location (whatever you want input on). If you cannot reach agreement, Urban Design & Planning will decide the meeting details that are in dispute.

Ideally, the President or Land Use Chair/Director responds as soon as possible to let the developer know whether or not you want input on any of the ENN meeting details and then communicates with others in the association (as appropriate to the situation) to propose dates to the developer in subsequent communication(s). It is fine for the association to choose to have input on only part of the meeting details and let the developer choose the rest.

If your association <u>doesn't</u> want any input, have the courtesy to reply to the developer's initial request right away to tell him that.

[See Development Code Section 11.0803(A)(5)(b-d) for the neighborhood association's responsibilities and Section 11.0803(B) for the constraints on the meeting date, time and location.]

Return to Table of Questions

d. What should I consider when suggesting possible ENN meeting dates?

It's best if someone from your neighborhood association board or land use committee can attend the ENN meeting, especially if the project is at all controversial, so communicate with the appropriate members of your association about possible dates or whether you'd want to invite the developer to make a presentation at a regular neighborhood association meeting.

According to code, ENN meetings may be held on weekday evenings (starting between 6:00 p.m. and 8:00 p.m.) or on Saturdays (starting between 10:00 a.m. and 4:00 p.m.). ENN meetings may <u>not</u> be held on Sundays or on national holidays.

Also, the developer must mail notices about the ENN meeting at least 14 days before the ENN meeting, and the notices must "take into consideration information provided by city staff at the pre-application conference." Together these two requirements mean that **the ENN meeting must be at least 14 days after the pre-application conference**. Keep this in mind if a developer contacts you before his pre-application conference and wants to schedule an ENN meeting early. Remind him that, if staff tells him that some parts of his plan don't meet code, he will need time to revise his proposal before he can send out notices.

[See Development Code Section 11.0803(B) for constraints on the meeting date and time, and Section 11.0803(C) for the notice requirements.]

Return to Table of Questions

e. Who is responsible for holding ENN meetings?

While the neighborhood association has the right to have input on the meeting date, time and location, it is the developer's responsibility to make the arrangements, set up and hold the ENN meeting.

If the association has a regular meeting space that you want to use and you are willing to make arrangements to use that space, you may reserve the meeting space, but there is no requirement to do so. Finding a meeting location in reasonable proximity to the development property is often difficult for developers, so helping with the location is something you may wish to do, especially if you want to hold the ENN meeting at a regular neighborhood association meeting location that your members are familiar with.

If you choose to hold an ENN meeting as <u>part</u> of a regular neighborhood meeting, you will reserve the meeting space, conduct the meeting and record minutes as usual; however, the developer should still do all of the things required by code (mail notices, post signs, provide notes on the ENN portions of the meeting, etc.).

While you don't have to be responsible for the developer doing what's required by code, many developers are new (either in developing property or in developing in Gresham), and if the developer seems unsure of what to do, you may review the ENN requirements with him or refer him to the planner. There are also some developers who will try to get away with not following the code.

If you notice a developer not following the ENN code (e.g., not working with the neighborhood association to set the meeting, not sending the notice by certified mail to both the neighborhood association President and Land Use Chair/Director, sending the notice outside the required window before the meeting, posting the sign incorrectly, etc.), alert the planner right away.

[See Development Code Section 11.0803(C)-(F).]

f. What must happen before an ENN meeting?

Neighborhood associations don't need to do anything before ENN meetings, but it's a good practice to alert your association members (through e-mail distribution lists, meeting announcements, etc.) about the ENN meeting once the meeting is set and, if you haven't already done so, review the pre-app information, especially the Pre-Application Summary.

The developer, on the other hand, is required by code to do several things. In addition to contacting the neighborhood association President and Land Use Chair/Director to coordinate the meeting, the developer must:

- Mail notices to property owners within 300 feet of the project, and mail notices by certified mail to the President(s) and Land Use Chair/Director (s) of the neighborhood association and applicable abutting associations. (If you know that an ENN meeting will be happening and you receive a certified mail slip, you should check on it right away.)
 - These notices must be mailed at least 14 days but not more than 20 days before the ENN meeting. In addition to the meeting date, time and location, the notice should include a description of the proposal and a site plan (both of which must reflect staff input from the pre-app conference). It should also include a map showing where the project is located, the name of the neighborhood association in which the project is located, the pre-app file number and the city webaddress for reviewing the pre-app conference meeting notes.
- O Post a sign on the property's frontage(s) at least 14 days but not more than 20 days before the ENN meeting. The sign must be within 30 feet of and viewable from the right-of-way. ENN meeting signs are purple and are provided to the developer by the city; the developer fills in the relevant details on the sign. (If the developer writes too small on the sign or posts the sign incorrectly, alert the planner.)

[See Development Code Section 11.0803(C)-(D).]

Return to Table of Questions

g. What does the neighborhood association need to do at an ENN meeting?

Neighborhood associations don't need to do anything at ENN meetings, but association leaders can help attendees understand the process and possible code requirements. If appropriate, association leaders can help if the meeting becomes contentious.

The <u>developer</u> is required by code to:

- Post an 8-1/2" x 11" notice at the front entry of the meeting location before the meeting starts.
- o Provide a sign-in sheet for meeting attendees.

Note - The sign-in sheet template provided by staff includes only names

and addresses. It's a good idea for the neighborhood association to provide their own sign-up sheet that also includes phone numbers and emails. You may work with the developer to use the association's sign-in sheet and provide the developer with a copy (or the developer may want to keep your sign-in sheet and make the copy for you, as he must turn in a sign-in sheet with his application), or you can have people sign in on the two sheets. ENN meetings are an excellent place to connect with people in your association, but you need people's contact information to keep them informed about the development and to get them involved in your association.

- Provide a site plan (preferably enlarged so that all attendees can see it during the discussion) and hold a discussion with meeting attendees about the proposal.
- o Take notes to write up after the meeting.

[See Development Code Section 11.0803(B), (E) & (F).]

Return to Table of Questions

h. What happens after an ENN meeting?

Unless you have arranged to provide the developer with a copy of your sign-in sheet, neighborhood associations don't need to do anything after ENN meetings. (If you are providing the developer with a copy of the sign-in sheet, do so <u>immediately</u> as the developer needs it for his application.)

However, it's a good idea for association leaders to follow up with meeting attendees, if appropriate, and add them to your association's distribution list.

Association Presidents and Land Use Chair/Directors should also watch for the developer's meeting notes to come by certified mail about a week after the meeting. The developer must mail a copy of his notes within 7 days of the meeting. If you don't receive them in a reasonable time, contact the developer to check on them, and if the developer failed to mail them within the appropriate time, alert the planner.

[See Development Code Section 11.0803(F)-(G).]

Return to Table of Questions

i. What should I do if I disagree with a developer's notes from an ENN meeting?

If you don't feel that the developer's meeting notes reflect the comments made at the meeting, you should write up your own meeting notes. Because the developer's notes are only used by the planner to demonstrate that the developer held an ENN meeting, there's no need to submit your notes to the city at this time.

If you choose to write your own ENN meeting notes, wait to submit them until the public comment period so that the comments in your notes will be considered by the planner. You may submit your notes as written, or you may incorporate them into your public comments (which may address issues not discussed at the ENN meeting), or both.

Return to Table of Questions

j. How can I recruit volunteers to help with land use issues?

Land use projects often get people involved with their neighborhood associations. That's why it's important to get contact information from ENN meeting attendees (or others you might meet while working on the project) and then to follow up with them (individually, if appropriate, or via association distribution lists). You can ask neighbors to keep an eye on the development or to talk to their neighbors about the project. Encourage them to attend association meetings and to participate in the public comment period if an application is eventually submitted.

Return to Table of Questions

k. I received a Pre-Application Conference Routing Form, but the developer never contacted me about an ENN meeting; is that a problem?

If the developer doesn't contact you about an ENN meeting because he decided not to pursue his project after his pre-app conference with staff, there's no problem. If you want to contact the developer to ask, you can. The developer has 18 months from his pre-app conference to submit an application; once that time elapses, the developer must start over in order to submit an application.

[See Development Code Section 11.0703(C)(1).]

If you get a notice from the developer about an ENN meeting for a development that's in your association and the developer didn't contact your association first, there's a potential problem. Contact the developer and ask why he didn't contact the neighborhood association. By code, he must have made contact by e-mail and given you 5 business days to respond. If he did not, his meeting will not count. For any problems with the developer, contact the planner immediately.

[For reference, see Development Code Section 11.0803(A)(5).]

If you find out that the developer submitted an application without contacting your association about an ENN meeting, <u>alert the planner immediately</u>. This is very unlikely, but if it happens, act quickly. Routinely checking Projects in Progress or looking up the property on Old GreshamView can alert you to an application before it's deemed complete.

Return to Table of Questions

3. Development Application Submittal

a. When can a developer submit a development application after the ENN process?

Once a developer sends the ENN meeting notes by certified mail to the neighborhood association(s), he can submit his application. Usually he is not ready to submit his application right away, as he's (hopefully) waited to draw up final plans until after he's gotten input at the ENN meeting. Depending on the complexity of the project, it may take him a few weeks to several months to submit an application.

If the developer does decide to go through with an application, he must submit it within 180 days of the ENN meeting. If he waits more than 180 days (or if he wants to submit an application that is significantly different from what he presented at the pre-app conference and hence at the ENN meeting), he must hold a new ENN meeting, which means he must start completely over with contacting the neighborhood association(s) about meeting details.

[See Development Code Section 11.0803(A)(3)-(4) for requirements to hold an new ENN meeting, and Section 11.0703(C)(3) for requirements to have a new or follow-up pre-app conference.]

Return to Table of Questions

b. How does a neighborhood association know that a development application has been submitted?

Neighborhood associations are not notified about development applications until the application is "deemed complete". However, associations can watch for applications to be submitted by checking the Projects in Progress (which is updated every few weeks) or by checking the Old GreshamView (using the "Applications & Permits" information on the property or using the "Active Planning Actions" map layer). Note – Planning information shows up on the old GreshamView immediately, but it can take a couple of months for it to show up on the new GreshamView.

Return to Table of Questions

c. The developer has submitted an application; how can I find out about the application?

Until the application is deemed complete and staff sends out the "Development Permit Application Comments" routing form, the only way to find out what a developer has submitted is to go to City Hall and ask to see the application file. Keep in mind, though, that the application may change from what's submitted if staff asks for additional information before the application is deemed complete.

If you go to City Hall to look at the application, also look in the file for a completeness review letter to see if staff is waiting on additional information. The file will also contain notes, correspondence, previous land use information on the site, and any already-approved modifications.

<u>Two Notes</u> – (1) Staff's completeness review only determines whether the developer has submitted all of the information needed for the reviewer to make a decision; it doesn't indicate whether the plan meets code. (2) Occasionally, a developer will withdraw his application if he changes his mind or realizes he will have significant problems getting his application approved.

Return to Table of Questions

d. The developer held an ENN meeting but didn't submit an application; is that a problem?

There's no problem if a developer changes his mind about a project after the ENN meeting and chooses not to pursue the development. There's also no problem if a developer takes his time filing an application, as long as (1) he submits his application

within 18 months of his pre-app conference and within 180 days of the ENN meeting and (2) the application isn't significantly different from what was presented at the pre-app conference and ENN meeting.

[For reference, see Development Code Sections 11.0703(C)(1) and 11.0803(A)(3).]

Return to Table of Questions

e. I received a "Development Permit Application Comments" form; what does it mean?

The "Development Permit Application Comments" routing form [to Samples pdf] is sent to the neighborhood association(s) President(s) and Land Use Chair/Director(s) when a development application is deemed complete – right before the notice for public comment goes out.

As with the pre-app form, the Land Use Chair/Director of the association in which the development is located gets the developer's submitted plans along with the routing form, while the President of the association (along with the President and Land Use Chair/Director of any abutting associations) receives only the routing form. **Even though this mailing is informational only, neighborhood associations should use the lead-time before the public comment period to review the application, look at the applicable code, contact the planner with questions, etc.**

The most important information on the routing form for neighborhood associations is the application file number (at top left), the date the application was deemed complete ("Date" at top), the property location and project description, and perhaps the planner (if that's changed since pre-app).

<u>Note</u> – The Staff & Agency comments due date does NOT apply to neighborhood associations; association comments should be submitted during the public comment period.

Return to Table of Questions

f. What does it mean for an application to be "deemed complete" and what is the "120-day clock"?

An application is "deemed complete" when staff determines that the developer has submitted everything needed to review the application and make a decision. It does NOT mean that the application meets code.

This date is very important for staff because, by law, the city must make a decision, including all local appeals, within 120 days of the application being deemed complete. If the city does not, the developer may go to court and ask a judge to approve the application without any conditions of approval or modifications to the developer's application.

Sometimes there are extenuating circumstances which might prevent the city from meeting this deadline and a developer may ask (in writing) to extend the 120-day deadline. Also, the 120-day clock does not apply to appeals to the state Land Use Board

of Appeals (LUBA). Appeals to LUBA rarely happen, but when they do, they occur after all local appeals are decided.

Return to Table of Questions

g. I received a copy of the developer's application and it's different from what was presented at the ENN meeting; what can I do?

<u>Contact the planner immediately</u> if the developer's application submission is significantly different from what was presented at the ENN meeting. Code requires a developer to go through a new pre-app conference and ENN meeting if the application is significantly different from what was presented at the pre-app conference and ENN meeting.

<u>Note</u> – If the developer promised to make certain changes to his application but didn't follow through, there's nothing the city can do to enforce those promises <u>if</u> they're not required by code.

[See Development Code Section 11.0703(C)(3) for the changes to an application that trigger a new pre-app conference (and hence a new ENN meeting).]

Return to Table of Questions

h. I received a copy of the developer's application submission but the neighborhood association was never contacted about an ENN meeting; is this allowed?

This is a very unlikely situation, but if the neighborhood association has been active since pre-application and you know that no one in the association was contacted about an ENN meeting, **alert the planner immediately**.

Return to Table of Questions

i. What are variances and how are they reviewed?

Variances are requests by a developer for modifications to code standards.

There are a few things that <u>cannot</u> be given a variance:

- the permitted use,
- a code definition.
- minimum and maximum residential densities, and
- code provisions that contain the word "prohibited".

In general, variances

- cannot be due to prior actions of the developer or property owner,
- must be the minimum necessary,
- must be due to constraints on the property (like topological features, abutting development, etc.), and
- must meet or exceed the intent of the code.

<u>Minor Variances</u> are variances of up to 20% from the standard and are Type II Reviews. <u>Major Variances</u> are variances of more than 20% and are Type III Reviews.

[See Development Code Section 10.1500.]

j. How can a modification to the street/sidewalk/something in the right-of-way already be approved when the application hasn't yet had public comment?

Modifications to the street/sidewalk/right-of-way are considered public works projects and NOT land use decisions subject to public comment; therefore, developers can get approval for such modifications before the application is up for public comment.

Return to Table of Questions

4. Public Comment

a. I received a notice entitled "Public Comment Opportunity"; what does it mean?

This is the newly reformatted public notice for a development application. See below for the differences in the notices for a Type II (non-hearing) application vs. a Type III (public hearing) application. [Old public notices had the titles below; you may still see Type II notices in the old format.]

"Notice of Application for a Land Use Development Permit"

This is the public notice [to Samples pdf] for a Type II application. It's mailed to the owners of property within 300 feet of the proposed development and to the neighborhood association(s) President(s) and Land Use Chair/Director (s) at the beginning of the public comment period. (At the same time, a sign is also posted on the property.)

The notice gives the deadline for submitting public comments [in the middle of the page under the old format]. Comments <u>must</u> be submitted <u>in writing</u> by the 5:00 p.m. deadline (which is two weeks after staff mails the notice); they may be mailed to the address on the notice so that they arrive by the deadline, hand-delivered to Urban Design & Planning at City Hall or e-mailed to the planner.

Other significant information on this public notice includes:

- o Summary of the proposed development
- o <u>Location</u> of the proposed development and its land use district (zoning)
- o Applicant's name [on page 2 under old format]
- o <u>File (application) number [upper right under the old format]</u>
- o Planner's name and contact number[at bottom under the old format]
- o Reduced site map showing how the property is proposed to be developed
- o Code references that apply to the application

To see a full-sized copy of the site map or the developer's narrative detailing how the proposed development meets code, see the documents that were sent to the Land Use Chair/Director with the "Development Permit Application Comments" form or visit Urban Design & Planning at City Hall.

"Notice of a Public Hearing"

This is the public notice [to Samples pdf] for a Type III application. It's mailed to the owners of property within 300 feet of the proposed development and to the neighborhood association(s) President(s) and Land Use Chair/Director (s) at least 20 days before the public hearing on the application. (At the same time, a notice is also published in the local newspaper and a sign is posted on the property.)

The notice gives the date, time and location of the hearing. Public comments may be made orally or in writing at the hearing, or submitted in writing to staff before the hearing. Comments are allowed until the hearing "closes" (which usually happens at the end of the scheduled hearing, although the hearing body may "continue the hearing" in order to receive new information before making a decision). To submit comments before the hearing, mail them to the address on the notice so that they arrive before the hearing, hand-deliver to Urban Design & Planning at City Hall or e-mail to the planner.

Other significant information in this public notice includes:

- o Hearing body (Planning Commission, Design Commission or Hearing Officer)
- o Summary of the proposed development
- o Location of the proposed development and its land use district (zoning)
- o Applicant's name
- o File (application) number
- o Planner's name and contact number
- o Reduced site map showing how the property is proposed to be developed
- o <u>Code references</u> that apply to the application

To see a full-sized copy of the site map or the developer's narrative detailing how the proposed development meets code, see the documents that were sent to the Land Use Chair/Director with the "Development Permit Application Comments" form or visit Urban Design & Planning at City Hall.

A staff report is available a week before the hearing and can be found online via the Land Use Project Tracking System or viewed at Urban Design & Planning at City Hall.

Return to Table of Questions

b. What is the public comment period?

The public comment period is the time when <u>anyone</u> can submit information about an application that the reviewer (staff or hearing body) must consider in the decision on the application. Submitting comments within the public comment period also gives the submitter "standing" to appeal the decision. Comments submitted before or after the public comment period do <u>not</u> count and do <u>not</u> give standing to appeal.

- o **For a** Type II **application**, the public comment period is two weeks, and all comments must be in writing by the deadline on the public notice.
- For a <u>Type III</u> application, the public comment period is the time from the mailing of the public notice until the hearing "closes". Comments may be made orally at the hearing or submitted in writing before or during the hearing.

c. Why is there a hearing (or not a hearing)?

Whether an application has an initial hearing or not is determined by its application type. Type I and II applications are reviewed without hearings, while Type III and IV applications have hearings. Appeals of application decisions also have hearings.

[See Development Code Table 11.0204 for the type of review required for the various kinds of applications.]

Return to Table of Questions

d. What's the difference between the Planning Commission and the Design Commission? Who is the Hearings Officer? When does the City Council make land use decisions?

The **Planning Commission** and the **Design Commission** are both advisory committees appointed by the Mayor and confirmed by the City Council. The Planning Commission is one of the five main Council Citizen Advisory Committees in the city, while the Design Commission is a subcommittee under the Planning Commission. Both are made up of volunteers. Planning Commissioners must be Gresham residents and represent a broad range of professions, while Design Commissioners don't need to be Gresham residents but most must be design professionals.

- The **Planning Commission** oversees the city's Comprehensive Plan, also known as the Gresham Community Development Plan, which includes the Development Code and the Plan Map (zoning) as well as the city's land use findings and policies, the Transportation System Plan and the Capital Improvements Plan.
- ➤ The **Design Commission** focuses on the creation and implementation of the city's Design Standards and Guidelines that are part of the Development Code.

The Planning Commission and Design Commission can each make application decisions, make recommendations and hear appeals, depending on the kind of application.

The **Hearings Officer**, on the other hand, is an impartial land use attorney hired by the city to decide some Type III applications and to hear many of the appeals of staff decisions.

The **City Council** makes land use decision for Type IV applications and Plan Map Amendments (zone changes), and it hears appeals of many Type III decisions.

[See Development Code Table 11.0204 for the review authorities of the City Council, Planning Commission, Design Commission and Hearings Officer.]

[See Gresham Revised Code Chapter 2 (http://greshamoregon.gov/code/) for information on the Council Citizen Advisory Committees (Article 2.18), the Planning Commission (Article 2.20), the Design Commission (Article 2.20.070) and the Land Use Hearings Officer (Article 2.22).]

e. What happens in a public hearing?

Public hearings are held in Council Chambers and have a basic structure of:

- Opening Business call to order; determination of jurisdiction of the hearing body; determination of disqualification of a hearing body member (e.g., due to conflict of interest); declaration of any ex parte contacts and, if warranted, abstention of a hearing body member.
- Presentation of the Staff Report, plus questions of staff by the hearing body.
- <u>Public Comment</u>, plus questions of the speaker by the hearing body.
 - <u>Note</u> Hearings before the Planning Commission, the Design Commission and the City Council are more formal than those before the Hearings Officer. The Planning Commission, Design Commission and City Council allow only 3 minutes for each speaker (not including questions from commissioners or councilors), whereas the Hearings Officer usually has no time limit and may offer more than one opportunity for a speaker to give testimony.
- <u>Possible "Continuance" of the Hearing</u> (i.e., an extension of the hearing to continue to take evidence). A speaker may request a continuance or the hearing body may decide it needs more evidence to make a decision. In either case, the hearing body decides whether or not to continue the hearing and "hold the record open". If the hearing is continued, the hearing body must "continue the hearing to a date certain" (i.e., declare the date, time and location when it will reconvene to consider the new information).

[See Development Code Section11.1012 for more details on continuances.]

- <u>"Closing" of the Hearing</u> (i.e., the hearing body's declaration that it will take no more evidence).
- Open Deliberation (for the Planning Commission, Design Commission and City Council), whereas the Hearings Officer usually restates what he has heard.
- <u>Decision</u> to approve, approve with conditions or deny the application. The Planning Commission, Design Commission and City Council make their decisions at their hearings, whereas the Hearings Officer usually declares at the hearing when he will release his written decision after the hearing.

[See Development Code Section11.1000 Public Hearings.]

Return to Table of Questions

f. What are the signs that are posted on the property?

There are two times during the land use process when a <u>developer must post signs</u> on the property:

a. Before an Early Neighborhood Notification (ENN) meeting

➤ <u>A lavender sign</u> is posted at least 14 days before but not more than 20 days before an ENN meeting. It contains information about the pre-application file, the ENN meeting and contact information for more information. The sign must be posted within 30 feet of and viewable from the right-of-way.

b. At public comment time

- A green sign is posted at the beginning of the 14-day public comment period for a Type II (non-hearing) review. The sign contains information about the application, how to make public comment and contact information for more information. The sign must be posted in a conspicuous place visible from each improved street.
- A **blue** sign is posted at least 20 days before a Type III public hearing. It contains information about the application, the hearing and contact information for more information. The sign must be posted in a conspicuous place visible from each improved street.

When a decision is appealed, the city posts a sign on the property:

➤ <u>A blue sign</u> is posted at least 20 days before an appeal hearing. It contains information about the application being appealed, the hearing and contact information for more information. The sign must be posted in a conspicuous place visible from each improved street.

<u>Note</u> – For an appeal hearing, the only notices that are mailed go to "parties of record" (i.e., those who made public comment during the specified public comment period).

Return to Table of Questions

g. When can a neighborhood association make public comment?

Neighborhood associations have the same deadline as the general public for making public comment. The "Staff & Agency" comment deadline on the "Development Permit Application Comments" form does <u>not</u> apply to neighborhood associations.

Return to Table of Questions

h. What happens when a neighborhood association or an individual makes public comment, and what kinds of things should go in public comments?

Neighborhood associations and individuals who make public comment during the required comment period get "standing" to appeal the decision (and are called "parties of record"). Only comments received by the city within the specified public comment period are considered "public comment". Therefore, comments should <u>not</u> be submitted until the public notice comes out, and written comments must be received by the city by the stated deadline on the public notice; oral comments are only allowed during a public hearing. Only those who make public comment during the public

comment period will receive a mailed copy of the decision and have standing to appeal. Also, in order for someone other than the developer to appeal something in the decision, the issue being appealed must have been raised by someone in public comments.

In order for a neighborhood association to have standing, the person making the association's written or oral comments must state that the comments are being made on behalf of the association. Only those with the authority to make comments on behalf of the association may do so. Check your neighborhood association by-laws, but most give the Land Use Chair/Director or designee (usually another Board member or Land Use Committee member) the authority to make land use public comments on behalf of the association. All comments should also include the application file number that's listed on the public notice.

While you may comment on anything about the proposal, the best public comments specifically address code sections that apply to the application. You can find a list of the applicable code sections on the public notice. The developer's "narrative" should also list the applicable code sections and explain how the proposal meets each code standard. (The Land Use Chair/Director should have received a copy of the developer's application narrative and plans with the "Development Permit Application Comments" routing form. A copy of the narrative and plans is also available for review at Urban Design & Planning at City Hall.)

The most thorough way to evaluate an application is to look through the code yourself, either online or by borrowing the hard copy from the Office of Neighborhoods (*see hints on using the Development Code*). Compare the code standards to the developer's answers in the narrative and the information on the developer's plans. Sometimes you will find that the developer doesn't address a code provision or his proposal doesn't quite meet the code standard. Be sure to cite code references when you make comments on how the proposal does or doesn't meet the code standard. If you have any questions, contact the planner.

<u>Note</u> – If you find a code section that seems to apply to the application but which is not mentioned in the public notice, <u>alert the planner immediately</u>. In the very rare cases that there's truly an error on the public notice, the city will send out a new notice with a new comment deadline.

If the neighborhood association has alternate notes from an Early Neighborhood Notification meeting, the notes may be submitted during the public comment period. Because the planner will not be able to respond to generic comments (like "concerns about traffic"), try to make more specific code-based comments to submit with the alternate notes. Remember that an issue must be raised in public comments if someone other than the developer wants to appeal the decision based on that issue.

<u>Note</u> – There's more discretion allowed in deciding Type III than Type II applications, so the hearing body has more latitude to consider generic concerns than planning staff does. In both cases, though, the more you can refer to specific codes, the better the reviewer will be able to respond to your comments.

Traffic concerns are some of the most difficult to argue because, without a traffic study showing the new development will overwhelm the existing infrastructure, there's not much in the code to regulate the traffic caused by a new development. (Remember that streets are public works projects not subject to land use review.)

Codes related to traffic can be found in the Development Code:

- > Section 9.0200 Clear Vision Area
- > **Section 9.0700** Neighborhood Circulation & Future Street Plans
- > **Section 9.0800** Parking
- > **Appendix 5.000** Public Facilities (A5.400 and A5.500)
- Various code sections dealing with the site design

Return to Table of Questions

5. Decision and Appeals

a. What must a neighborhood association do to appeal a land use decision?

A neighborhood association must have made comments during the public comment period in order to have standing to appeal, and the issue in the decision that the neighborhood association wants to appeal must have been raised in public comments. Once the decision has been issued, <u>anyone appealing the decision must act quickly</u>, <u>especially if an association wants the appeal fee waived [see below</u>].

The person(s) who made the comments on behalf of the association will receive a mailed Notice of Decision [to Samples pdf] from the city. Within the text of the notice will be the deadline for filing an appeal (within 12 days of the notice date, usually by 5:00 p.m. on a certain date). Appeal paperwork should be turned in to the Permit Center by the deadline, so check with staff about the Permit Center's hours and what to do when the Permit Center closes before 5:00 p.m.

The City's fee schedule determines the fee for filing an appeal, and that fee schedule specifies that the fee may be waived for a neighborhood association provided:

- The neighborhood association must be active and recognized by the city.
- The appeal may <u>not</u> be on behalf of an individual.
- The neighborhood association must vote to appeal the decision in an open, public meeting as authorized by the association's by-laws, and the meeting must be held after the Notice of Decision was issued.
- The minutes of the meeting in which the association votes to appeal the decision must comply with the city's Administrative Procedures for Neighborhood Associations. In particular, the minutes must give:
 - > the <u>date of the meeting</u> (i.e., to show that the meeting was after the decision was issued)

- > state the motion to appeal
- > state who made and seconded the motion
- ➢ list the <u>file number of the decision</u> being appealed
- summarize the <u>discussion</u> concerning the appeal
- record the <u>numerical vote</u> on the motion to appeal
- include a <u>roster</u> of all meeting participants (either as an attachment or listed in the minutes)

If an association member other than the President or Land Use Chair/Director is officially designated to represent the association in the appeal, the minutes should record that decision.

 The city form to appeal a decision must be signed by the neighborhood association President, Land Use Chair/ Director or the officially designated representative of the association for the appeal.

Neighborhood association <u>appeal paperwork that needs to be submitted to the Permit Center by the appeal deadline</u> includes:

- A letter requesting that the fee be waived and the minutes of the association meeting authorizing the appeal (or payment of the fee if the association didn't meet the conditions for waiver).
- o A statement that the neighborhood association:
 - has standing to appeal
 - wishes to appeal the decision

also include:

- the file number of the decision
- > state the date of the decision
- list the issues being appealed (make sure they were raised in public comments)
- ive as detailed as possible, code-based reasons for the appeal

[See Development Code Section 11.1102(A).]

 The city's appeal form signed by the neighborhood association President, Land Use Chair/Director or the officially designated representative of the association. This is usually filled out at the Permit Center, but the form may be picked up and completed beforehand.

Important Note – <u>Staff can help</u> the neighborhood association and answer questions about the decision <u>until an appeal is filed</u>. Once an association files an appeal, staff is limited in what can be discussed with the association unless all parties are present to hear the discussion.

b. What happens when a land use decision is appealed?

When an appeal is filed, city staff first checks that the appellant has standing to appeal and has submitted the required appeal paperwork with all of the required items by the appeal deadline. If the appeal fails to meet these requirements, the appeal won't be accepted.

Once an appeal is accepted, staff schedules a public hearing before the appeal authority specified in Development Code Table 11.0204. There's not much leeway in when the hearing may be held because staff must consider both the "120-day clock" and the required public notice requirements for a hearing. If a hearing is before the Hearings Officer, it's usually held during the day; hearings before the Planning Commission, Design Commission or City Council are held during one of their regular meetings.

At least 20 days before the hearing, staff will mail the public notice to the applicant and to everyone who made public comment during the public comment period. The property will also by posted with a blue sign with information about the appeal hearing.

At least 7 days before the hearing, staff will prepare a staff report regarding the appeal and send a copy to the appeal authority, the applicant and the appellant. The staff report is also available for review at City Hall.

<u>Anyone may make written comment</u> before the appeal hearing "closes" or oral comment during the hearing (before the hearing closes). New evidence and arguments may be submitted, but the <u>issues being argued must have been raised in public comments</u>, or if the applicant is appealing the decision, in the applicant's notice of appeal.

If the appeal authority needs more time to collect evidence or a participant in the hearing asks for more time to provide further evidence, that appeal authority can "continue" the hearing to a "date certain" (and notice of the continued hearing will again be given). If the appeal authority feels it has heard all of the evidence in the appeal, it will "close" the hearing and no further evidence or arguments may be considered.

After the hearing closes, the appeal authority will make its decision to either reverse or affirm the decision, with or without conditions or changes. The Hearings Officer will usually make his decision after the hearing and will announce at the hearing his deadline for making a decision. The Planning Commission, Design Commission and City Council, on the other hand, make their decisions publicly at the end of the hearing. After the hearing, staff will mail a written copy of the decision to the appellant and to everyone who made appeal comments before the hearing closed.

Once the appeal decision is made, all local appeals are done. Further appeals must go to the Land Use Board of Appeals and are not subject to the "120-day clock".

[See Development Code Section 11.1100 Appeals.]

6. After the Final Decision

a. What happens after a development application decision is final?

There is no official neighborhood involvement once a development application is approved and construction begins, unless the developer wants to make a substantial change to his approved development permit. It may take months for actual construction to begin, and it may go in spurts. Occasionally, a developer will decide not to build his project and will let his development permit expire. If this happens, the process for developing the property will start over.

For the majority of projects that do proceed, you can follow some construction information using:

- Old GreshamView to find building permit file numbers
- ➤ Building Permit Tracking System to see the status of a building permit

Building plans are only accessible via the city's ePlan Review system, which you can access at City Hall in the Permits Center.

If you have any questions about the project or any concerns about the construction not meeting the requirements of the land use decision, contact the planner.

Return to Table of Questions

b. Can a development's plan change after it's approved?

Yes. Occasionally, a developer will decide to make changes or will sell the project to a new developer who decides to make changes. Depending on the significance of the changes and whether any code changes have occurred in the interim, the developer may have to start the development review process over with a new pre-application process (for all or part of the review).

- o <u>If only a very minor aspect of the project changes</u>, there may be <u>no</u> notification to the neighborhood association or the public.
- If the change is more significant but doesn't require a new Pre-Application
 Conference, the first a neighborhood association may hear of it is when it's at the
 public comment stage (i.e., a new "Development Permit Application Comments"
 form and a new public notice will be mailed).

<u>Note</u> – The new public notice may only highlight the more significant changes (i.e., it may not list every change). Look carefully at the new narrative and plans that the Land Use Chair/Director will receive to find all of the proposed changes.

Return to Table of Questions

c. Where can I get help if I think a development is not being built as approved?

Contact the planner if you have any questions about the project or any concerns about the construction not meeting the requirements of the land use decision. (The decision can be found with the Land Use Project Tracking System.)

Return to Table of Questions

E. Changing the Code and Process

1. How can the Development Code be changed?

Seeing the Development Code implemented with actual development proposals sometimes shows problems with the code. If you think some aspect of the code should be changed, first consult the planner involved with the project where you noticed the problem. Development staff keeps a list of potential code changes that they've identified in their work of implementing the code, and it's possible that your suggestion is already on their list.

In recent years, the highest priority code changes have been included on the Council Work Plan as part of the "Development Code Improvement Project" or as a separate Work Plan item. When deciding each year's Work Plan, the City Council takes input from staff, the Planning Commission, the Design Commission, the Coalition of Gresham Neighborhood Associations, an informal developer advisory group and such. So be sure to discuss your suggested code changes with any of these groups, especially with other neighborhood associations through the Coalition.

Return to Table of Questions

2. How can the Plan Map (zoning) be changed?

A change to the Plan Map (zoning) is called a Plan Map Amendment (PMA). There are two types of Plan Map Amendments:

- <u>For a large area of the city</u>, a PMA is a Type IV legislative process which is initiated by the City Council. The last such PMA was the Residential Districts Review, which was a Council Work Plan project in 2008-2009.
- For one parcel or for a small group of parcels, a PMA is a Type III process and may be initiated by either the property owner(s) or by the City Council.
 - o The land use district (zoning) may be changed outright, or
 - The land use district (zoning) change may be approved <u>only</u> for an approved development plan. This latter type of change is called a Conditioned Plan Map Amendment.

[See Development Code Article 12, Map Amendments.]

Return to Table of Questions

3. When does the City Council create its annual Council Work Plan?

In early fall, staff collects suggestions for the next year's Council Work Plan. Then the City Council reviews the proposed Work Plan items in a retreat, usually in late fall but sometimes early in the new year if new councilors are being elected. The retreat is a public meeting, although no public comment is taken. In recent years, the retreat has been held on a weekday evening or afternoon at City Hall.

After the Council's retreat, staff creates a more detailed Council Work Plan which the Council will review and approve at a business meeting in the new year. Once finalized,

the Work Plan provides the basis for much of the new work staff focuses on in the new year.

<u>Note</u> – There's also routine on-going work that the city does in order to provide city services (like water, wasterwater, stormwater, streets, etc.).

Return to Table of Questions

4. How can I keep track of Development Code changes and Plan Map Amendments?

Through the Coalition of Gresham Neighborhood Associations, you can keep track of most projects that are of high interest to many neighborhood associations. There are often presentations at Coalition meetings where neighborhood leaders can have direct input on these projects.

In addition, there are regular community forums and open houses for most code projects, and all such projects are reviewed by the Planning Commission and the City Council. Anyone may give 3-minute public comment to the Planning Commission and the City Council at their meetings:

- The Planning Commission meets the 2nd & 4th Monday of the month at 6:30 p.m.
 - o Non-hearing meetings are usually in the Springwater Trail Room.
 - o Meetings with hearings are in Council Chambers.
- The City Council takes public comment at:
 - o 1st Tuesday business meetings in Council Chambers at 6:00 p.m.
 - o 2nd Tuesday policy development meetings in the City Hall Conference Center at 3:00 p.m.
 - o 3rd Tuesday business meetings in Council Chambers at 3:00 p.m.

Return to Table of Questions

5. How can I find out about community forums and open houses?

Once you learn of a code project (likely through the Coalition or by reviewing the Council Work Plan), you can get on the interested party list for the project by:

- ➤ Contacting the Comprehensive Planner in charge of the project.
- Signing up for updates on the project with a MyGresham account.
- ➤ Attending a community forum or open house on a Comprehensive Planning project and indicating your interest in receiving updates on the sign-in sheet.

Return to Table of Questions

6. How can I get Planning Commission and/or City Council agendas?

You can get on the interested party distribution list to get meeting notices and agendas for the Planning Commission and/or the City Council by:

- Contacting Tammy Richardson (<u>Tammy.Richardson@greshamoregon.gov</u>) to get on the Planning Commission e-mail distribution list.
- Contacting Susanjoy Baskoro (<u>Susanjoy.Baskoro@greshamoregon.gov</u>) to get on the City Council e-mail distribution list.

You can also find agendas, agenda attachments, minutes and recordings of meetings for:

- Planning Commission at http://greshamoregon.gov/PlanningCommission
- City Council at http://greshamoregon.gov/agendas

Return to Table of Questions

7. Are there other city entities with agenda distribution lists?

You can get on distribution lists for all of the city's Council Citizen Advisory Committees and Subcommittees by contacting the staff liaison for the particular committee. There are currently five main advisory committees and seven subcommittees under them:

- Citizen Involvement Committee
 - Youth Advisory Committee
- Finance Committee
- Natural Resource and Sustainability Committee
 - o Parks and Recreation Subcommittee (currently inactive)
 - Urban Forestry Subcommittee
- Planning Commission
 - o Community Development and Housing Subcommittee
 - o Design Commission
 - o Historic Resources Subcommittee
 - Transportation Subcommittee
- Public Safety Committee

Links to each committee are on the Council Citizen Advisory Committees webpage at: http://greshamoregon.gov/CCAC/