Planning Commission
and
Subcommittees
Handbook

CITY OF
GRESHAM

The PLANNING COMMISSION advises City Council on long-range, comprehensive planning and land use issues within the city. Thinking comprehensively, it serves as the steward of the Gresham Community Development Plan (GCDP) and recommends amendments and new policies when needed. It also conducts hearings as needed on broad planning issues and projects.

The Planning Commission also serves an important role in the community by engaging citizens in discussions related to the future of Gresham and the role of planning in achieving these goals. Commissioners can use their UNIQUE POSITION to articulate LOCAL VALUES. The Commission ensures that the city meets all state land use goals while helping the community to balance values such as enhanced livability, economic development, and protection of the environment.

MEMBERSHIP + MEETINGS

PLANNING COMMISSION

MEMBERSHIP

The City Planning Commission shall consist of nine members. The Planning Commission is established pursuant to GRC 2.18.010(1) and ORS 227.010 et. seq.

The commission shall represent a broad range of professions, and contain no more than two members who are engaged in the same kind of occupation, business, trade, or profession. At least one member, but no more than two, may be engaged principally in buying, selling, or developing real estate. In making appointments to the planning commission, the council shall encourage, but not require, geographic distribution of members from throughout the City.

TERMS

Each member of the commission is appointed to serve a four-year term.

OFFICERS

The chair and vice-chair of the Planning Commission shall be elected or appointed as provided in GRC 2.18.060.

MEETINGS

The commission holds regular meetings at least once a month at City Hall. A majority of the members of the commission constitutes a quorum. The quorum provisions of GRC 2.18.080(3) apply to the operation of the planning commission.

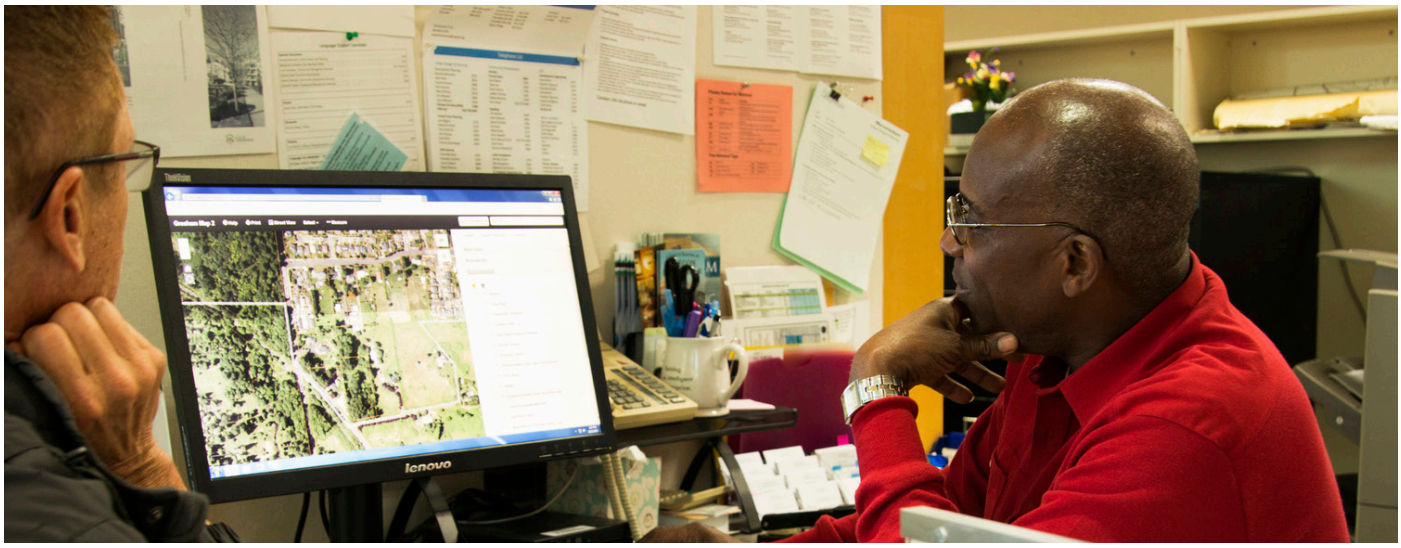
- All meetings are open to the public in accordance with the public meeting laws of the State of Oregon.
- Notices of all meetings, including date, time, place and principal subjects to be discussed will be published in accordance with the public meeting laws of the State of Oregon. Meeting notices will also be published on the event calendar on the City's website.
- Minutes will be kept for all meetings in accordance with the public meetings laws of the State of Oregon and will be posted to the City's website.

ROLES + RESPONSIBILITIES

In local government, it is the overall goal of the Planning Commission, staff, and elected officials to:

- PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE. Arising from U.S. and Oregon Constitutions, this is the reason for local government and the authority to conduct planning activities is provided to achieve these basic goals.
- CONSERVE RESOURCES. If a community is to survive and prosper over time, the materials and environment that make a community possible must be preserved, which sometimes means protecting those resources that provide identity and a sense of community as well as those with an economic basis.
- SEEK EFFICIENCY IN THE USE OF THE LAND AND PUBLIC FACILITIES. Activities that use the land ineffectively or spoil the land for future uses, as well as the location or sizing of utilities so that they do not need to be replaced.
- FOSTER BEAUTY. The protection and enhancement of a community's aesthetic qualities can do much to make life in that place more productive, satisfying, and thereby ultimately more efficient and beneficial.
- ASSURE EQUALITY. Basic to making the American system of government work is that all people in similar circumstances will be treated the same.
- ENCOURAGE DEMOGRAPHIC PARTICIPATION. Fostering the engagement of citizens is an effective and meaningful way to involve citizens in the land use process.
- ASSURE THAT A LONG-TERM PERSPECTIVE IS TAKEN IN THE DECISIONS. It is not easy to remember that decisions must be made with long-term planning and future development in mind.

ROLES + RESPONSIBILITIES



PLANNING COMMISSION RESPONSIBILITIES

- UNDERSTANDING LAND USE PLANNING. Know that planning is evolving and ongoing. Know about the statewide land use program and local land use history. Be aware of interrelationships of planning to community goals, priorities, and budget constraints.
- REFLECT THE VALUES OF THE COMMUNITY. As a volunteer who is committed to your community, you can see or sense what is needed. Use your unique position (separate from the elected "political" process and from the government payroll) to articulate local values.
- EDUCATE THE PUBLIC ON LAND USE. Planning Commission meetings often are citizens' first contact with local government and with land use. Act in ways that increase understanding and respect for the responsiveness of government.
- UNDERSTAND OPPORTUNITIES AND LIMITS OF THE PLANNING COMMISSION AUTHORITY. Recognize that you can be proactive - the initiator of new or changed policies - and that there are limits to what you can do. Be clear about when your role is advisory and when it is that of the final decision maker.
- MAKE DECISIONS/RECOMMENDATIONS. Be courageous. Don't avoid hard decisions.
- COMMUNICATE. Talk to others in the community, to give and receive information.

PLANNING COMMISSION CHAIR RESPONSIBILITIES

- Conduct meeting (the only task that is the sole responsibility of the chair)
- Diffuse hostility
- Capitalize on committee members' experience and expertise
- Keep Commission on track
- Ensure participation among all Commissioners
- Lead Commission to conclusions
- Define issues
- Willingness to take information to neighborhood association
- Set agenda (often a staff function)

PLANNING STAFF RESPONSIBILITIES

- Administer the land use process (including staff reports and notices)
- Advise and assist Planning Commission
- Educate and assist the public
- Know laws and ordinances
- Long range planning (including studies and analysis)
- Negotiate and facilitate
- Coordinate with other departments and units of government
- Enforcement of conditions
- Continuity (policy, documents, people)

POWERS + DUTIES

MAINTAIN THE PLAN
Maintain the Plan adopted by the council as an official guide to public and private uses of land. In performance of this duty the commission may, among other things, monitor the development of the city in relation to the Plan. Where the commission sees an issue not anticipated by the Plan, the commission may notify the council and, at the direction of the council, study the issue. If an amendment, refinement or clarification of the Plan appears advisable the commission shall recommend amendment of the Plan to the council.

LEGISLATION
Review, and prepare at council direction, legislation designed to implement the purposes of the Plan. Conduct hearings, prepare findings of fact, and take such actions concerning such legislation as may be required by state and city law.

CAPITAL IMPROVEMENT PROGRAMS
Review the capital improvement programs each year for consistency with the Plan.

PLANS + POLICIES
Recommend plans and policies to the council for orderly and coordinated development, growth management and enhancement of the city.

METRO
Monitor Metro's plan and code and recommend city Plan amendments to implement Metro changes as required.

AFFORDABLE HOUSING
Work on planning issues related to an adequate supply of affordable housing.

ECONOMIC ACTIVITIES
Recommend plans to the council and other public authorities for promotion, development and regulation of industrial, commercial and other economic activities in the city.

RELATIONSHIPS
Advance relationships with other planning entities to encourage the coordination of public and private planning and development activities affecting the city and its environs.

PROPOSALS OF COUNCIL ADVISORY COMMITTEES
Consider the proposals of council advisory committees and other council created bodies related to land use issues, priorities, decisions, and Plan amendments, and make recommendations to the council on these proposals.

COORDINATION
Act as the coordinating entity for all council committees, and commissions in so far as the work of these bodies relates to land use.

METRO REPORTS
Receive regular reports from staff regarding Metro activities and the plans and actions of other regional partners relating to land use.

POWERS + DUTIES

LAND USE HEARINGS OFFICER REPORTS

Receive regular reports regarding the cases, matters and decisions under consideration by the city land use hearings officer(s).

SUBCOMMITTEES

May appoint a subcommittee of the commission itself to study or act upon such matters as the commission feels suited to consideration by a smaller group, or as council may delegate through ordinance, resolution or other direction.

CITIZEN INVOLVEMENT

Monitor avenues of citizen involvement in land use planning and advise council on such matters to ensure effective citizen involvement relating to land use matters.

PUBLIC PARTICIPATION

Encourage and facilitate expanded public participation in all aspects of the land use planning process by designing a user-friendly process to educate and inform the public about the engagement opportunities in the land use arena.

LAND USE ISSUES

Recommend and make suggestions to the council and to other public authorities regarding the regulation of future growth, development, transportation and other public facilities and services, establishment of zones or districts, design and other land use issues.

LAND USE MEASURES

Study and purpose land use measures for the promotion of the public interest, health, safety, convenience and welfare of the city, adjacent communities and the urban growth areas identified for annexation into the city.

QUASI-JUDICIAL HEARINGS

Conduct quasi-judicial hearings, prepare findings of fact, and take such actions concerning specific land development proposals as may be required by state and city law as provided for in the Gresham Community Development Code.

RELATIONSHIPS

COMMUNICATIONS WITH MAYOR AND COUNCIL

Council liaisons may inform their respective commissions, committees and task forces of upcoming City Council meeting agenda items, work plan assignments or Council decisions that are of interest to them. Members of advisory bodies are encouraged to attend City Council meetings to keep abreast of Council actions.

The City Council transmits requests for information or action through the committee's Council liaison. Commissions, committees, and task forces transmit findings, reports, etc. to the Mayor and City Council through members of the committee's coordinating team. A standard form has been prepared for CCACs to use for the purpose of making a recommendation pro or con concerning a Council agenda item.

The Committee chair for the standing committees is responsible for presenting an annual report of the committee's activities and work to City Council during a scheduled Council meeting.

WORKING WITH OTHERS

The Planning Commission consists of the assigned Council Liaison, Staff Liaisons, and Commission Chairs as well as the Chairs of the subcommittees. This team is responsible for determining Council Work Plan and special issues assignments for each group. Sharing information can avoid future differences and spread the workload. It also extends the available knowledge base. What is important is that the Planning Commission communicates with the subcommittees.

Different people have different communication networks and Council Advisory Committees also develop their own networks. Make sure that your Committee is clear about what types of information will be most useful and which City Departments and/or community groups should be included in the Committee's communications links.

All citizen volunteers are encouraged to attend their Neighborhood Association meetings. You can be ready to share information about what your Committee is doing that may impact others. This also provides a good link to the community for recruitment for future advisory committee membership.

HEARINGS

The City of Gresham has four types of land use decisions. Type I decisions are made by staff, involve no discretion, require notice only to the applicant, and can only be appealed by the applicant. Type II decisions are made by staff, involve limited discretion, require notice after the decision to nearby properties, and can be appealed to the hearings officer. Type III decisions are quasi-judicial, involve significant discretion, require notice before a hearing, are decided by the hearings officer, Design Commission, or Planning Commission and some can be appealed to the City Council. A Type IV decision is a legislative action by the City Council.

The Planning Commission handles two different land use decisions: quasi-judicial (Type III) and legislative (Type IV). The Oregon Supreme Court set this three-part test to determine if the decision is quasi-judicial. It is quasi-judicial if:

- The process is bound to result in a decision
- The decision is bound to apply pre-existing criteria to concrete facts
- The action is directed at a closely circumscribed factual situation involving a relatively small number of persons.

QUASI-JUDICIAL HEARINGS

The rules and procedures for quasi-judicial, Type III hearings are stricter than those for legislative hearings. In quasi-judicial hearings, the Planning Commission hears facts and then applies the law, usually the specific criteria of the Gresham Community Development Code (GCDC), to the facts. Such a hearing usually involves a development application for a particular piece of property. The Planning Commission may exercise some discretion in the interpretation and application of the law to the facts but must apply the law (GCDC criteria) even if Commissioners disagree with the law.

LEGISLATIVE HEARINGS

In a Type IV, legislative hearing, the Planning Commission makes policy decisions based on a wide variety of information and applies, where applicable, statewide goals and rules, Metro policies, and the goals, plans, and policies of the Gresham Community Development Plan (GCDP). The Planning Commission initiates a legislative action by directing staff to look at particular amendments to the GCDP. Staff starts a process of review that involves extensive meetings and workshops with stakeholders. The process usually results in a Planning Commission hearing and a recommendation to City Council on amendments to the GCDP. Council holds a legislative hearing and makes a decision on amending the GCDP. Legislative hearings usually involve wide policy discretion based on what Commissioner's think is best for the City.

HEARINGS

KINDS OF DECISIONS AND THEIR CHARACTERISTICS

	LEGISLATIVE	QUASI-JUDICIAL	MINISTERIAL
WHO MAKES THE DECISION?	• Elected officials • Planning Commission makes recommendation	• Staff, hearings officer, or Planning Commission • Local appeals go to the hearings officer, Planning Commission, and/or elected officials	• Staff
SUBJECT OF THE DECISION	• Adoption and amendment of policies and ordinances and, on appeal of a quasi-judicial decision, the definitive local interpretation of those policies and ordinances •	• Application of pre-existing criteria and requiring the exercise of discretion • Usually initiated by an application from a property owner	• Implementation of zoning provisions by applying pre-existing criteria that require no exercise of discretion
SCOPE	• Large geographic area • Many ownerships	• Single or few ownership	• Usually site specific
ACTION REQUIRED?	• No	• Yes	• Yes
EXAMPLES	• Comprehensive Plan text amendment such as a new policy or an updated transportation system plan • New or amended ordinance implementing the plan such as adding or deleting a permitted use or changing a height limitation	• Zone change for one or a few properties • Permits such as conditional use and variance • Land divisions	• Site plan review • Building permit • Enforcement
PUBLIC INVOLVEMENT AND NOTICE	• Substantial, with published notice, and with multiple public hearings by multiple bodies; mailed notice under certain circumstances	• Opportunity for at least one public hearing with mailed notice to area property owners and to neighborhood associations	• None
DECISION-MAKER CONSIDERATIONS	• No limits on contacts • State ethics laws apply	• Declare ex-parte contacts • No bias or actual conflicts • Unlimited staff contact	• No limits on contacts

HEARING SCRIPTS

For each hearing, City staff provides a staff report with the details on the criteria and facts applicable to each hearing. To avoid procedural error, staff also provides a “script” to ensure that each hearing includes a proper “opening statement” and follows the “order of procedure” as both are required by state law to ensure fairness. The presiding officer follows the script in conducting the hearing.

Early in the hearing, the presiding officer asks the Commission questions that address land use procedural issues that are relevant to each Commissioner. These questions include ex-parte contacts, site visits, conflicts of interest, and bias. The script includes an opportunity for citizens or participants to challenge a Commissioner’s participation in the hearing.

EX PARTE CONTACTS AND SITE VISITS

An ex parte contact is any oral or written pre-hearing communication, information, or contact from a party or other person relating to any land use matter to be heard by the Commission. A site visit does not constitute as an ex parte contact unless it involves a communication between a Commissioner and a party or other interested person. Discussion regarding land use matters outside of the public hearing with other Commissioners should be avoided and treated as ex parte contacts if they occur. However, communications with City staff is not considered ex parte contact.

A land use decision can be reversed or remanded on appeal if a Commissioner does not take the proper action when disclosing ex parte contact. When the presiding officer asks if any Commissioner needs to declare a prior contact or site visit, each Commissioner should publicly disclose the existence and content of the contact or site visit. State whether the ex parte contact has impaired your ability to reach a decision and abstain from voting if it has.

CONFLICT OF INTEREST

A potential conflict of interest is any situation where a Commissioner or their relative or business could be financially benefited or harmed by the Commissioner’s decision. An actual conflict of interest means a situation where there would be financial benefit or harm.

Both situations require the Commissioner to announce the conflict at the earliest possible time before a hearing commences. The Commissioner must state whether it is a potential or actual conflict of interest. The Commissioner must step down if it is an actual conflict of interest but may participate, after disclosure, in the case of a potential conflict of interest.

BIAS

Bias is having certain pre-conceived thoughts about an issue of policy, the law, the facts, or the parties. In reaching a decision, a Commissioner must apply the relevant standards based upon the evidence and argument presented during the public meeting. In order to be biased, the bias must be so entrenched that the Commissioner could not be persuaded to consider any other perspective on the matter at the hearing by any additional facts, thus making the Commissioner incapable of rendering an objective decision on the merits of the case. The Commissioner should step down if they truly believe they cannot make a fair decision on the merits. If the Commissioner is biased, the bias must be disclosed at the outset of the hearing and the Commissioner must step down and not participate in the hearing or decision.

HEARINGS

FINDINGS IN LAND USE PROCEEDINGS

Land use findings are required because state law requires that approval or denial of a permit “shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, and facts set forth.”

Findings must be supported by substantial factual evidence, not opinions or preferences. Common problems include misapplying or failing to apply all relevant criteria, the absence of facts showing the criteria has been met, and facts not leading to the conclusions drawn. Findings are developed by staff, reviewed by the City Attorney’s Office and are included in the staff report. The Planning Commission may make additional or different findings if it does not agree with the findings developed by staff.

CONDITIONS OF APPROVAL

Many decisions come with a list of conditions tied to the approval. Once the conditions have been satisfied, the land use or building permit may be used. Conditions or exactions should have a clear relationship to the applicable standards and criteria. They should relate to the evidence relied upon for the decision. The conditions should be enforceable by the administrator. The original approving body should typically make any changes to the conditions.

THE 120-DAY RULE

State law requires that all City actions, including appeals, be completed 120 days from the filing of the land use application. This rule does not apply to legislative matters. Compliance with the 120-Day rule can be very difficult and the Planning Commission may be called upon to act quickly to an appeal because of the 120-Day rule.

If the City fails to act within 120 days, the applicant can file a “writ of mandamus” in circuit court to force the City to approve the application. The Court will approve the application unless the City demonstrates that approval would violate a substantive portion of the GCDP or GCDC. This shifts the burden of proof from the applicant (who must show in local proceedings that all criteria are met) to the City (must now show that the proposed application violates a substantive plan or code criteria).

If the applicant prevails on the writ, the Court can make the City pay the applicant’s attorney fees and refund the unexpended part of any application fees, or 50% of such fees, whichever is greater. The court may include conditions of approval if necessary to meet a substantive criterion of the plan or code.

APPEALS BEYOND THE CITY

Appeals of final city decisions are made to the state Land Use Board of Appeals (LUBA). LUBA decisions can be appealed to the Oregon State Court of Appeals then the Oregon Supreme Court. Some decisions of the Oregon Supreme Court may be appealed to the US Supreme Court. The State of Oregon has a very expedited appeal process for land use decisions. LUBA and the appellate courts generally do not second guess the judgment of Council but review for procedural error or the lack of substantial evidence supporting the findings.

OREGON'S OPEN MEETING LAW

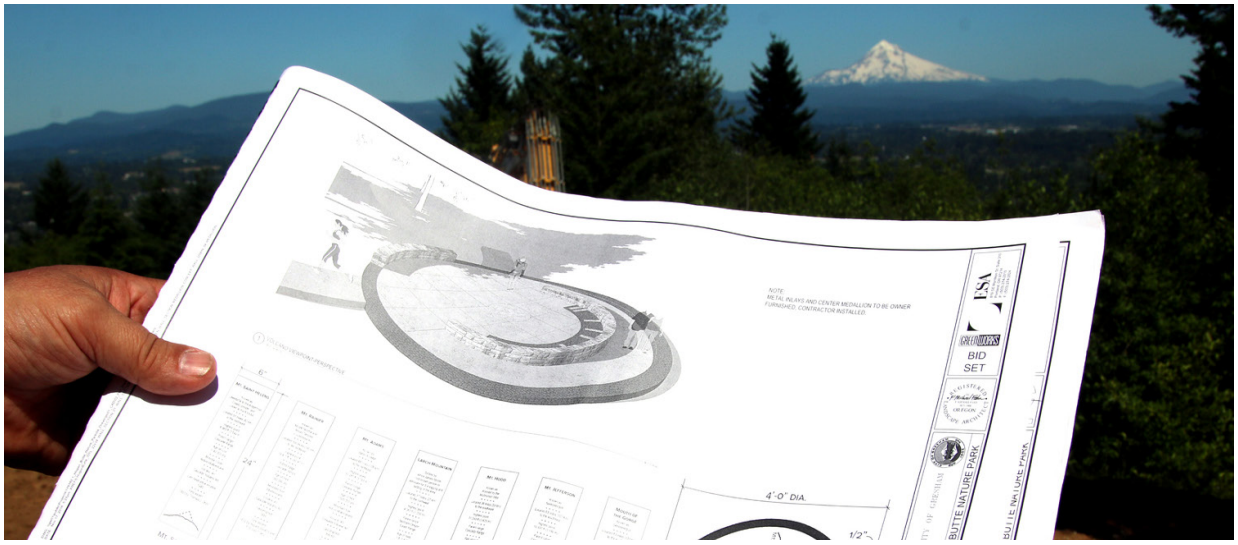
Oregon's open meeting law (ORS 192.610-192.690) requires that the decision of any "governing body" be arrived at openly so that the public can be aware and informed of the body's deliberations and decisions. With a few exceptions, a meeting exists any time a quorum of the body's membership is present.

WHAT IS REQUIRED AT THE MEETING?

Any public body must provide for the sound, video, or digital recording or the taking of written minutes of all its meetings. All minutes or recordings must be available to the public within a reasonable time after the meeting and shall include at least the following information:

- All members of the body present,
- All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition,
- The results of all votes and the vote of each member by name,
- The substance of any discussion on any matter, and
- A reference to any document discussed at the meeting.

Because a meeting is open to the public, it means that anyone can attend. But "open" does not mean that anyone has the right to speak. Planning Commissions and governing bodies may hold work sessions and other meetings without allowing public comment.



SITE VISITS

Oregon's open meeting law exempts "site inspections" from the meeting requirements. That means that the Planning Commission or governing body could go as a group, as a quorum, to visit a site.

A second consideration is the assumptions, which may be made by the public when they realize that a majority of the decision-making body visited the site without everyone else who might be interested in having an opportunity to be there. What did they see? What was discussed? What did they decide?

GOVERNMENT ETHICS

Oregon's Government Ethics Law applies to public officials, those related to the official by blood or marriage, and those living in the official's household. Elected officials and members of City committees, commissions and boards are "public officials" for purposes of the laws and rules governing government ethics, and, therefore, are responsible for complying with the government ethics laws and rules.

USE OF OFFICIAL POSITION

A public official must not use or attempt to use the official position or office to obtain financial gain or avoid a financial detriment for the official, a relative, member of the household, or an associated business that would not otherwise be available but for the official holding of the official position.

GIFTS

Public officials, their relatives, and households are prohibited from accepting gifts from persons with legislative or administrative interests in the work of the public official, except as provided for by the law. A "legislative or administrative interest" is an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official.

STATEMENT OF ECONOMIC INTEREST

The Mayor, Councilors, Planning Commissioners and the City Manager must make statements of economic interest to the Oregon Governments Ethics Commission. The statements are due each year on April 15 and are filed electronically. The City provides contact information to the Ethics Commission which then directly contacts the public official regarding the required submittal. The statements are not required from the members of other Council Citizen Advisory Committees (CCACs) or City employees.

SUBCOMMITTEES

DESIGN COMMISSION

MEMBERSHIP

The Design Commission shall consist of seven members and is established pursuant to GRC 2.18.010(1). The Design Commission shall include a minimum of five members who are design professionals (e.g. architects, landscape architects, urban designers) or who work with the built environment (e.g. planners, civil or structural engineers, land developers, building constructors) with no more than two in the same discipline.

PURPOSE

The Design Commission is the primary advising subcommittee to council on design excellence for the built environment of the City. As such, it will assist in the development and application of design standards and guidelines, and will conduct hearings as necessary to ensure that proposed public and private projects achieve these standards. The Design Commission serves an important role in the community by engaging citizens in discussions related to the built environment while being ambassadors for design excellence. The Design Commission will also advise the Planning Commission on design issues, when requested.

POWERS + DUTIES

- Recommending the establishment, amendment, or removal of a design district to the council;
- Recommending design principles, standards and guidelines for adoption by council for design districts;
- Carrying out assigned duties regarding reviewing major developments within design districts and other land use requests as provided for in the Gresham Community Development Code.
- Providing advice on design matters to the manager, hearings officer, Planning Commission and City Council as requested.

MEETINGS

The Design Commission holds regular meetings at the call of the chair, council liaison, staff liaison, or two members of the Design Commission at City Hall. A majority of the members of the Design Commission constitutes a quorum. The quorum provisions of GRC 2.18.080(3) apply to the operation of the Design Commission.

COMMUNITY DEVELOPMENT AND HOUSING CITIZEN ADVISORY SUBCOMMITTEE

MEMBERSHIP

The Community Development and Housing Citizen Advisory Subcommittee (CDHC) shall consist of a minimum of seven to a maximum of 11 members and is established pursuant to GRC 2.18.010(1). Members shall have an interest in the development of the community and housing to meet the needs of the low and moderate income population of Gresham. Members shall be selected from groups that are representative of a broad spectrum of the population. These groups may include, but are not limited to, low and moderate income residents, residents of pre-qualified areas, minorities, persons associated with neighborhood organizations, agencies, churches, and persons affiliated with the industrial, real estate or financial sectors.

PURPOSE

The general purpose/mission of the CDHC is to advise the council on community development and housing goals, objectives, policies, programs, projects and budgets to assist low and moderate income persons. The CDHC will gather citizen comments, make recommendations to the council, and provide leadership in promoting public education and understanding on matters pertaining to community development and housing for low and moderate income persons.

DUTIES

- Furnish citizens with information concerning amounts of funds available, eligible uses of funds, and recommended programs and projects.

- Review applications for potential funding, conduct meetings and hearings, and make recommendations to Council regarding the use of available funds.

- Prepare updates, make recommendations to the Council and publish proposed community development and housing policies and objectives for the benefit of low and moderate income persons. The CDHC is responsible for recommending the Community Development Plan and the Comprehensive Housing Affordability Strategy, or their successors, to the Planning Commission or Council as appropriate.

- Coordinate its activities as they relate to the general purpose/mission with other Council Citizen Advisory Committees (CCACs), and county-wide and regional bodies.

- Assist in preparation, review and recommendation to the Council, county-wide and regional policies related to community development and housing activities for low and moderate income persons in the City.

MEETINGS

The CDHC shall meet at the call of the chair, council liaison, staff liaison, or two members of the CDHC at a time and place designated by the CDHC.

SUBCOMMITTEES

TRANSPORTATION ADVISORY SUBCOMMITTEE

MEMBERSHIP

The Council Transportation Advisory Subcommittee (CTAS) shall consist of nine members and is established pursuant to GRC 2.18.010(1). In recruiting and appointing members, concerted efforts will be made to secure representation on behalf of the disabled community and persons who represent the interests of the cycling/pedestrian community. The quorum provisions of GRC 2.18.080(3) apply to the operations of CTAS.

PURPOSE

The purpose and function of the CTAS is to advise Council in the on-going development of a comprehensive transportation network that will improve the safety and livability of Gresham. CTAS shall also serve as the City's Traffic Safety Commission.

MEETINGS

The CTAS shall meet at the call of either the chair, council liaison, staff liaison, or two members of the CTAS at a time and place designated by the committee. The quorum provisions of GRC 2.18.080(3) apply to the operation of CTAS.

RESPONSIBILITIES

- Providing advice to Council on transportation and traffic issues, federal, state and local policies, standards, plans, and capital programs.
- Reporting to Council on issues relating to transportation planning work and public involvement in transportation programs.
- Researching and evaluating ways to continually improve the transportation system, expand the bicycle and pedestrian network, and improve bicycle and pedestrian safety and accessibility throughout the City.
- Reviewing and recommending annual "Gresham Transportation Action Plans" and make recommendations regarding modal objectives, capital priorities, funding opportunities and objectives, and a transportation work plan based on adopted local, regional, and state plans.
- As the Traffic Safety Commission, assist and advise Council in the research, development, and implementation of traffic safety programs, the education of the public on traffic safety, and reduction of traffic accidents, injuries, and deaths in the public right-of-way. With the approval of its council liaisons and the assistance of staff, the Traffic Safety Commission will review and recommend to Council proposed safety projects eligible for grant funding and seek grant monies for implementation of such projects.
- When authorized by the council liaison(s), and in coordination with City staff, advocate for transit improvements throughout East Multnomah County. This includes both service and capital improvements that will encourage greater transit use.

HISTORIC RESOURCES SUBCOMMITTEE

MEMBERSHIP

The Historic Resources Subcommittee shall consist of seven members. The members shall have a demonstrated interest, knowledge or competence in historic preservation. Before a prospective member is confirmed, the City shall give the State Historic Preservation Office an opportunity to review the individual's qualifications. The City will make an effort to include preservation professionals on the subcommittee, such as historians, restoration specialists and archaeologist.

PURPOSE

The purpose of the Historic Resources Subcommittee is to advise council and the Planning Commission on matters relating to the City's inventory of historic landmarks and the preservation of historic and cultural resources within the City.

DUTIES + RESPONSIBILITIES

- Designation and preservation of historic or cultural landmark properties that meet criteria set forth in the Gresham Community Development Code, and inclusion of designated property in the city's list of classified landmarks.
- Removal of a landmark property from the City's list of classified landmarks, or a change in the status of a landmark classification under the Gresham Community Development Code.
- The need to audit and/or update the historic and cultural property inventory.
- The review of proposed nominations to the National Register of Historic Resources and directly transmitting the subcommittee recommendations to the State Historic Preservation Office regarding whether a proposal meets the applicable federal criteria for listing.
- How to maintain the City's status as a Certified Local Government.
- Assist in the regulation and protection of Class 1 and Class 2 landmarks by reviewing proposed landmark alterations or demolition in accordance with the applicable criteria.
- Develop a program of public education relating to cultural and historic properties including technical and economic information relating to specific properties and the general value of the community's historic and cultural resources and landmarks.

MEETINGS

The Historic Resources Subcommittee shall meet at the call of either the chair, council liaison, staff liaison, or two members of the Historic Resources Subcommittee at a time and place designated by the committee. The quorum provisions of GRC 2.18.080(3) shall apply to the operation of the Historic Resources Subcommittee.

SUBCOMMITTEES

URBAN FORESTRY SUBCOMMITTEE

MEMBERSHIP

The Urban Forestry Subcommittee (UFS) shall consist of seven members. The subcommittee is established pursuant to GRC 2.18.010(1). Five of the Subcommittee members shall have expertise associated with trees. This includes, but is not limited to, professional arborists, nursery operators, foresters, and landscape architects.

PURPOSE

The Urban Forestry Subcommittee is the advising subcommittee to the Planning Commission on Urban Forestry issues. As such, it will advise on all activities related to the health, protection and extent of the City's urban tree canopy. In addition, the UFS will advise and make recommendations to the council, the Planning Commission, Hearings Officer and the manager regarding preservation, protection and restoration of trees. The Subcommittee is also responsible for recommending the designation of significant trees and the maintenance and updating of the significant tree list. Through various displays and publications, the subcommittee may also engage in public education. The subcommittee will also advise on all activities related to obtaining and maintaining Tree City USA status.

MEETINGS

The Urban Forestry Subcommittee shall meet at the call of either the chair, council liaisons, staff liaison, or two members of the subcommittee at a time and place designated by the subcommittee.

APPENDIX A: OREGON STATEWIDE PLANNING

GOAL 1, CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

GOAL 2, LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

GOAL 3, AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

GOAL 4, FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

GOAL 5, NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES: To protect natural resources and conserve scenic and historic areas and open spaces.

GOAL 6, AIR, WATER, AND LAND RESOURCES QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

GOAL 7, AREAS SUBJECT TO NATURAL HAZARDS: To protect people and property from natural hazards.

GOAL 8, RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

GOAL 9, ECONOMIC DEVELOPMENT: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

GOAL 10, HOUSING: To provide for the housing needs of citizens of the state.

GOAL 11, PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

GOAL 12, TRANSPORTATION: To provide and encourage a safe, convenient, and economic transportation system.

GOAL 13, ENERGY CONSERVATION: To conserve energy.

GOAL 14, URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

GOAL 15, WILLAMETTE RIVER GREENWAY: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

GOAL 16, ESTUARINE RESOURCES: To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of Oregon's estuaries.

GOAL 17, COASTAL SHORELANDS: To conserve, protect, and where appropriate, develop and restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

GOAL 18, BEACHES AND DUNES: To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

GOAL 19, OREGON RESOURCES: To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

APPENDIX B:

LAND USE PLANNING TERMS

ACCESSORY DWELLING: A dwelling unit either within or added to a dwelling or over a garage that is accessory to a single family dwelling. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom, and sleeping area.

ACKNOWLEDGMENT: An order of the Land Conservation and Development Commission that certifies a comprehensive plan and land use regulation or an amendment to a plan or regulation complies with the Statewide Planning Goals.

ANCILLARY DWELLING: A second dwelling unit located on the same lot as a single-family dwelling.

ANNEXATION: The process of expanding the city boundaries to bring adjacent territory under the governmental jurisdiction of the city.

APPEAL: The process of having a land use decision by the planning administrator, Planning Commission, or hearings officer reviewed by the City Council or County Board of Commissioners. Council and Commission decisions may be appealed to the Land Use Board of Appeals (LUBA).

BUFFER AREA: An area adjacent to the property line intended to provide separation between uses that reduces the impacts on adjacent uses. The horizontal distance may include screening and landscaping such as trees, shrubs, ground cover, fences, walls, and berms.

BUILDABLE LANDS: Lands in urban and urbanizable areas that are suitable, available, and necessary for residential use. Hazard areas (steep slopes, floodplains, etc.) and natural resource lands (wetlands and riparian areas) are excluded.

CAPITAL IMPROVEMENT PROGRAM (CIP): A plan describing some or all of a community's planned capital improvements (roads, water, sewers, storm drains, etc.) including costs and timeframes.

CLUSTER DEVELOPMENT: The concentration of structures on one part of a parcel to preserve the remainder of the property for open space, usually permitted under planned unit development ordinances.

COMMON WALL: A continuous unbroken interior wall of at least 10 feet in length separating functional spaces of multiple attached dwellings. It must be a fire rated wall extending from foundation to or through the connected roof as required by applicable building codes.

CONDITIONAL USE: Zoning ordinances generally specify two types of uses for each zone - uses that are permitted outright and those that may be permitted after review and approval by the local government. Those in the last category are often described as conditional uses. The list of conditional uses for each zone typically includes uses that may be appropriate for the zone, but case-by-case evaluation is needed to ensure compatibility with the neighborhood, and uses for which no specific zone exists (e.g., schools, churches, parks) and which may need specific development conditions. A conditional use procedure provides an opportunity for public review of any development being considered.

CONDITIONS OF APPROVAL: Development requirement(s) in which the applicant, in order to adhere to standards of approval established by local governments in land use ordinances, must satisfy as a part of the approval and permit process.

DENSITY: The density for any lot is computed by dividing the number of dwelling units by the parcel acreage or, if specified, net acreage.

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD): The DLCD provides staff support to the Land Conservation and Development Commission, reviews plan and code amendments, provides technical assistance on planning matters, and manages grants to local jurisdictions for plan updates.

DESIGN DISTRICTS: Provides guidelines and standards for development activity in clearly defined special design areas. It can be used to ensure the conservation, continuity, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district and to promote quality development in centers, near transit facilities, and similar areas.

APPENDIX B: LAND USE PLANNING TERMS

DESIGN GUIDELINES: A set of design parameters for development in design districts that are based on the established design principles. The design guidelines are discretionary in nature and are used to evaluate the acceptability of a project's design. Design guidelines provide the opportunity for creative design flexibility.

DESIGN STANDARDS: A set of objective requirements for development in design districts that are based on design principles. Design standards provide a clear and objective way of evaluating the acceptability of a project's design.

DOWN-ZONING: Changing a zone from one allowing more intensive uses to one of less intensive use (e.g., a commercial zone to a residential zone).

EASEMENT: The recorded right that allows others to use a defined area of property for specific purpose(s), such as access or utilities.

FLAG LOT: A lot with two distinct parts: the flag, which is the only building site, located behind another lot; and the flag pole, which connects the flag to the street, provides the only street frontage for the lot and is narrower than the street frontage required for that district.

FLOODPLAIN: Any land area susceptible to being inundated by flood waters from any source.

FLOODWAY: The channel of a river or other watercourse and that portion of the adjacent floodplain that must remain open to permit passage of the base flood without cumulatively increasing the water surface elevation more than a designated height, usually one (1) foot.

FUTURE STREET PLAN: An approved plan for continuation of streets into adjacent property.

GRESHAM COMMUNITY DEVELOPMENT PLAN (GCDP): A plan adopted by the City which is intended to guide the future development of this community. It is also known as the Comprehensive Plan.

GRESHAM DEVELOPMENT PLAN MAP: The Plan Map identifies the land use designations assigned to all property within the City of Gresham. The Plan Map is included as Appendix C of Volume II of the Gresham Community Development Plan.

HEARINGS OFFICER: An appointed official who conducts public hearings and renders a decision on land use cases involving discretionary permits and zone changes not requiring a comprehensive plan change.

INFRASTRUCTURE: The public facilities and services that support the functions and activities of a community (sewer, roads, water lines, storm drainage, etc.)

LAND CONSERVATION AND DEVELOPMENT COMMISSION (LCDC): LCDC is the state commission that establishes land use planning policy for the state and decides some land use cases. Its members are appointed by the Governor and confirmed by the senate.

LAND USE BOARD OF APPEALS (LUBA): A state board comprised of three members appointed by the Governor that has authority to review appeals of final land use decisions made by local jurisdictions.

LOT: A generic term that describes any unit of land.

LOT LINE ADJUSTMENT: An adjustment of a property line by the relocation of a common lot line where no additional lots are created or where lots are consolidated resulting in fewer lots.

MASTER PLAN: A development plan for multiple projects to be built in two or more phases. A master plan may involve multiple blocks provided that the blocks are contiguous.

NONCONFORMING USE: A use of land lawfully existing at the time the Community Development Code was enacted, but which is not listed as a permitted land use in the current land use district of the site in question.

PARCEL: A generic term that describes any unit of land.

PARTITION LAND: To divide land into two or three parcels of land within a calendar year.

APPENDIX B:

LAND USE PLANNING TERMS

PLANNED DEVELOPMENT (PD): A type of residential land division and development planned and developed as a single entity that allows flexibility from the development standards of the underlying land use district. A PD usually concentrates units on the most buildable portion of a site so as to preserve natural drainage systems, open space, and environmentally sensitive areas. It promotes diversity of housing types and diversity of design while maintaining compatibility with traditional and other neighboring developments.

PLAT: A map of a partition or subdivision. The plat usually shows the location of all public rights-of-way, the dimension of lots and various other items required by the local land division ordinance.

QUASI-JUDICIAL ACTION: A legal action that involves the application of pre-existing criteria to specific properties. This type of action can be contrasted with legislative actions, which involve the creating policies and laws, and with ministerial actions, which involve routine administration of clear and objective requirements.

RIGHT-OF-WAY: A general term denoting public land, property, or interest therein acquired for, or devoted to a public transportation facility. It includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, and all other public ways, including the subsurface under and air space over these areas under the jurisdiction of the City or other public entity.

RIPARIAN: Those areas associated with streams, lakes, and wetlands where vegetation communities are predominately influenced by their association with water.

SENATE BILL 100 (SB 100): A bill passed into Oregon law in 1973, it established the Land Conservation and Development Commission and the legal framework for the statewide planning program.

SETBACK: The minimum or maximum allowable horizontal distance from a given point or line of reference to the nearest exterior wall or other element of a structure as defined herein, or to other relevant site features as identified in the respective land use district.

SYSTEMS DEVELOPMENT CHARGE (SDC): Also called a systems charge or impact fee, it is a fee charged by a local government to a developer in order to recoup some of the local government's general capital cost of sewer, water, storm drainage, streets, and parks.

TRANSPORTATION SYSTEM PLAN (TSP): A plan for transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic areas.

URBAN GROWTH BOUNDARY (UGB): A line surrounding the land needed to accommodate 20 years of population and employment growth and related uses for an urban area. Land within this boundary is planned for eventual urban development and the provision of sewer, water, streets, and other public facilities. Most UGB's include one city, but two or more cities are within one UGB in some cases.

VARIANCE: A development proposal that includes a deviation or change from quantitative or qualitative standards.

ZONE CHANGE: The reclassification of land from one zoning designation to another.

ZONING: A system of grouping similar or compatible land uses into geographic areas called "zones" or "zoning districts." The ordinances governing these land uses are referred to as the zoning or development code.

APPENDIX C: ACRONYMS AND TRANSLATIONS

AICP: American Institute of Certified Planners

APA: American Planning Association

CCAC: Council Citizen Advisory Committee

CAO: City Attorney's Office

CCI: Committee for Citizen Involvement

CDBG: Community Development Block Grant

CIAC: Citizen Involvement Advisory Committee

CIP: Capital Improvement Program

COG: City of Gresham

CPA: Comprehensive Plan Amendment

DC: Design Commission

DES: Department of Environmental Services

DLCD: Department of Land Conservation and Development

DU: Dwelling Unit

FSP: Future Street Plan

FY: Fiscal Year

HDR: High Density Residential

HI: Heavy Industrial

HO: Hearings Officer

HRS: Historic Resources Subcommittee

LCDC: Land Conservation and Development Commission

LDR: Low Density Residential

LOC: League of Oregon Cities

LUBA: Land Use Board of Appeals

MDR: Moderate Density Residential

OAPA: Oregon Chapter of the American Planning Association

ODOT: Oregon Department of Transportation

PC: Planning Commission

PD: Planned Development

PV: Pleasant Valley

ROW: Right of Way

SDC: Systems Development Charge

SFR: Single Family Residence

SW: Springwater

SV: Street Vacation

TR: Tree Removal

TSP: Transportation System Plan

UGB: Urban Growth Boundary

UFS: Urban Forestry Subcommittee

CITY OF
GRESHAM