



City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portland.gov/ppd

Expedited Land Division Decision Appeal Form LU Number: _____

FOR INTAKE, STAFF USE ONLY

Date/Time Received _____	<input type="checkbox"/> Action Attached _____
Received By _____	Fee Amount _____
Appeal Deadline Date _____	Y N Fee Waived
<input type="checkbox"/> Entered in Appeal Log _____	Bill # _____
<input type="checkbox"/> Notice to Dev. Review _____	Neighborhood _____

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS _____ DEADLINE OF APPEAL _____

Name _____

Address _____ City _____ State/Zip Code _____

Day Phone _____ Email _____ Fax _____

Interest in proposal (applicant, neighbor, etc.) _____

Identify the specific approval criteria at the source of the appeal

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Describe how the proposal does or does not meet the specific approval criteria identified above, how the City erred procedurally, or one of the grounds for appeal listed in 33.730.013:

Appellant's Name _____

FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Expedited Land Division Decision being appealed
- An appeal fee as follows:
 - \$300, payable to City of Portland
 - Fee waiver request letter for low income individual is signed and attached

I acknowledge this typed name as my signature

Email this application and supporting documents to: LandUseIntake@portlandoregon.gov

To file the appeal, this completed application form and any supporting documentation must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of the Decision. To be valid, the City must receive the appeal by 4:30 p.m. on the deadline listed in the Decision. Once the completed appeal application form is received, a Land Use Services Technician will contact you with instructions on how to pay the fee.

A public hearing on the appeal will be held. The owner, the applicant if different, and all persons and recognized organizations that received the notice of the decision will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Expedited Land Division Appeal Procedure

For Expedited Land Division review applications, Portland Permitting & Development makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The decision may be appealed by the applicant, the owner, or any person who submitted written comments by filling out this form and submitting it with an appeal fee. The appeal must be based solely on one or more of the following allegations:

- The decision violates the substantive provisions of the applicable land use regulations;
- The decision is unconstitutional;
- That the application is not eligible for review under ORS 197.360 to 197.380 or ORS 92.031 and should be reviewed as a land use decision or limited land use decision; or
- That the appellant's substantive rights have been substantially prejudiced by an error in procedure by the local government.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, the Hearings Officer will hear the case and make the final City decision.

Appeal Hearing

When a decision is appealed, Portland Permitting & Development schedules a public hearing and sends out a notice within 7 days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to testify before the Hearings Officer. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision, how the City erred procedurally, or one of the grounds for appeal listed above and in 33.730.013. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

The Hearings Officer may make a decision at the hearing, or make a decision later. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record. The decision is mailed to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the appeal hearing, or requested notice of the decision.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

Appeal Fees

An appeal of an Expedited Land Division decision must include an appeal fee. There is a \$300 fee charged for appealing an Expedited Land Division decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.013 of the Portland Zoning Code). See below for fee waiver eligibility information.

Low Income Fee Waiver

The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

Information is subject to change