



CITY OF PORTLAND, OREGON BUREAU OF DEVELOPMENT SERVICES

1900 SW Fourth Avenue, Portland, Oregon 97201, www.portland.gov/bds



Summary of Procedure Types

Overview

Type I, Ix, II, Iix, III and IV are the six land use review procedures. A Type I and Type Ix are the least involved and often the shortest processes, while a Type III is longer and more involved. Your application will go through one of these procedures depending on the kind of request that is made. The information required to submit an application does not guarantee that the application is complete. After the application is submitted, staff has 14 days to determine if a Type I or II application is complete, and 21 days to determine if a Type Ix, Type Iix or Type III application is complete, or request more information. In all procedures, applicants are required to respond to specific approval criteria. Where there is allowance for public comment on the proposal, both during the review period and in cases of appeal, public comment must relate to the relevant approval criteria. The following descriptions are summaries; the specific requirements are stated in **Chapter 33.730, Quasi-Judicial Procedures**, in the Portland Zoning Code.

Type I

In the Type I procedure, the decision is made by staff. Upon receipt of a complete application, notice of the applicant's request is mailed to property owners within 100 feet of the site. A decision will be made within 21 days of receiving a complete application. However, the decision may not be made before 14 days after the notice of proposal has been mailed. The decision of a Type I procedure is considered final at the local level, but may be appealed to the State Land Use Board of Appeals (LUBA).

Type Ix

In the Type Ix procedure, the decision is made by staff. Upon receipt of a complete application, notice of the applicant's request is mailed to property owners within 100 feet of the site. Within 45 days of receiving a complete application, a decision will be made. However, the decision may not be made before 30 days after the notice of proposal has been mailed. Within 6 days of the decision, notice of the decision will be mailed to the applicant and all persons who submitted written comments. The decision of a Type Ix procedure is considered final at the local level, but may be appealed to the State Land Use Board of Appeals (LUBA).

Type II

In the Type II procedure, the decision is made by staff. Upon receiving a complete application, notice of the applicant's request is mailed to all property owners within 150 feet of the site. Notice is also sent to the recognized associations within 400 feet of the site. A decision will be made within 28 days of receiving a complete application. However, the decision may not be made before 21 days after the notice of proposal has been mailed. Notice of decision is mailed to all property owners within 150 feet of the site, to recognized organizations where the site is located and those located within 400 feet of the site, as well as to any person who submitted written comments.

The decision may be appealed by anyone, including the applicant, within 14 days of the mailing of the notice of decision. Generally there is a fee for appealing the decision. However, there is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. They vote to appeal must be in accordance with the organization's bylaws. If the decision is appealed, notice of appeal will be mailed within 5 days and a public hearing scheduled within 21 days of that mailing. The hearing will take place in front of the appropriate review body, such as the Hearings Officer, Design Commission, Historic Landmarks Commission, or Adjustment Committee, depending on the type of proposal. The decision of the review body is final at the local level, but may be appealed to the State Land Use Board of Appeals (LUBA).

Type Iix

In the Type Iix procedure, the decision is made by staff . Upon receiving a complete application, notice of the applicant's request is mailed to all property owners within 150 feet of the site. Notice is also sent to the recognized associations within 400 feet of the site. A decision will be made within 42 days of receiving a complete application . However, the decision may not be made before 30 days after the notice of proposal has been mailed. Notice of decision is mailed to all property owners within 150 feet of the site, to recognized organizations where the site is located and those located within 400 feet of the site, as well as to any person who submitted written comments.

The decision may be appealed by anyone, including the applicant, within 14 days of the mailing of the notice of decision. Generally there is a fee for appealing the decision. However, there is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. If the decision is appealed, notice of appeal will be mailed within five days and a public hearing scheduled within 21 days of that mailing. The hearing will take place in front of the appropriate review body, such as the Hearings Officer, Design Commission, Historic Landmarks Commission, or Adjustment Committee, depending on the type of proposal. The decision of the review body is final and may not be appealed to another review body within the City, but may be appealed to the State Land Use Board of Appeals (LUBA).

Type III

In a Type III Procedure, staff prepares a recommendation to a review body such as the Hearings Officer, Design Commission, or Historic Landmarks Commission, depending on proposal, and the decision is made by that review body. A pre-application conference is required for all Type III reviews. A public hearing will be scheduled to take place within 51 days upon receiving a complete application. All property owners within 400 feet of the site and all recognized organizations within 1000 feet of the site will be mailed notice of the applicant's request at least 20 days before the scheduled hearing. The review body may adopt the recommended decision, modify it, or reject it. Notice of the review body's decision is mailed to the applicant, owner, and any recognized organizations or persons who responded in writing, testified at the hearing, or requested notice.

The decision may be appealed by the applicant, the owner, and persons who testified orally or in writing at the public hearing. There is a fee for appealing the decision. In some cases, the neighborhood or business association can be granted a fee waiver. If the decision is appealed, notice of appeal will be mailed within 5 days and a public hearing scheduled within 21 days of that mailing. The hearing will take place in front of City Council. The City Council may adopt the review body's decision, modify it, or reject it. The decision of City Council is final and may not be appealed to another review body within the City, but may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Type IV

In a Type IV Procedure, the process is the same as a Type III procedure, except that two public hearings are held the first hearing is the initial review body and the second hearing is with the City Council, who makes the final decision. Reviews that follow the Type IV procedure include Demolition Reviews for certain historic resources. The decision of City Council is final at the local level, but may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Pre-Application Conference

Type III and Type IV procedures are required to have a pre-application conference prior to land use review application. Refer to the pre-application request form for more information.

For more information please call the Planning and Zoning hotline at 503-823-7526 or schedule a 15-minute appointment with a city planner at www.portland.gov/bds/early-assistance/15-minute-appointments.

For current Portland Zoning Code, visit www.portland.gov/code/33.

Information is subject to change, recent code changes and requirements may not be reflected on this document.