



City of Portland, Oregon - Bureau of Development Services

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



Nonconforming Development Option 2 Application

FOR INTAKE, STAFF USE ONLY

File # _____

Date Rec _____ by _____ Neighborhood _____
 Base Zone _____ Overlay Zone _____ Bill # _____
 Quarter Section Map _____ Y N Unincorporated MC
 Plan District _____ Related File # _____

**APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.
 Email this application and supporting documents to: LandUseIntake@portlandoregon.gov**

- Submit a Nonconforming Development Assessment which identifies in writing all development that does not meet the standards listed in section 33.258.070.D.2.b of the Zoning Code and any additional standards from an overlay or plan district if applicable.
- Submit a Site Plan to scale, identifying all development that does not meet the standards listed in section 33.258.070.D.2.b of the Zoning Code and any additional standards from an overlay or plan district, if applicable. A complete site plan should show the following:
 - North arrow and drawing scale
 - Location of adjacent streets, alleys, driveways
 - Existing motor vehicle parking and truck loading (including number of spaces, layout and dimensions)
 - Location of all existing landscaping (size, number placement) identified with scientific & common names
 - Pedestrian access and existing circulation systems
 - All property lines with dimensions and total site area
 - Dimensions of all existing buildings and development
 - Existing bicycle parking (including number of spaces, layout and rack details)
 - Existing exterior display, storage and work areas (including screening and surface materials)
- Complete this application, including the Option 2 Selection portion.
- A fee is charged for a Nonconforming Development Assessment Request. Check the current fee schedule for Tier B Zoning Confirmation amount.

Check all that apply Applicant Owner Contact Person Other _____

Name _____
 Street Address _____
 City _____ State _____ Zip Code _____
 Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Contact Person Other _____

Name _____
 Street Address _____
 City _____ State _____ Zip Code _____
 Day Phone _____ FAX _____ email _____

Development Site

Address or Location _____
 Cross Street _____ Sq. ft./Acreage _____

Site Tax Account Number(s) and Legal Description(s)

| Tax Account # | Property ID # | State ID # | Tax lot/Lot Block Addition/Section # |
|---------------|---------------|------------|--------------------------------------|
| R | R | | |
| R | R | | |
| R | R | | |

Option 2 Selection

Planning and Zoning Staff will review the submitted Nonconforming Development Assessment and provide written comments regarding the content of the assessment and the extent of required upgrades. There are three alternatives for receiving written comments from Planning and Zoning:

1. An applicant may receive written comments on the Nonconforming Development Assessment from Planning and Zoning **prior** to entering into the Option 2 agreement. This option offers the assurance of City analysis and review to determine specific upgrades that will be required at the end of the compliance period.
2. An applicant may receive written comments on the Nonconforming Development Assessment from Planning and Zoning **after** entering into the Option 2 agreement. This option expedites the Option 2 process and will result in quicker issuance of the initial building permit. However, this alternative does not provide certainty regarding the specific upgrades that will be required at the end of the compliance period prior to making the decision to enter into the covenant. The information is provided after the fact.
3. An applicant may choose to **not** receive written comments on the Nonconforming Development Assessment from Planning and Zoning. This option expedites the Option 2 process and will result in quicker issuance of the initial building permit. However, this alternative does not provide the certainty regarding the specific upgrades that will be required at the end of the compliance period. Instead, the specific upgrades will be identified at the end of the compliance period when the applicant requests that the site be certified.

Note: The Zoning Code changes over time. The Option 2 covenant binds an applicant to meet the standards in effect at the time of the initial building permit application. If one or more of the standards change over the compliance period and the site is certified compliant with standards in effect at the time of the initial building permit application, the site will still be out of conformance with the new standards. However, if certification is requested by the end of the compliance period, a two-year grace period is allowed during which no additional upgrades to nonconforming development are required. After the two-year grace period, building permits with a project value higher than the dollar threshold identified in Section 33.258.070.D.2.a, will trigger review for remaining nonconforming upgrades. In order to avoid additional review in the future, applicants may choose to comply with the standards in effect at the end of the compliance period.

Please select one

Planning and Zoning will provide written comment for the Nonconforming Development Assessment according to the preference marked below.

- 1. Please review the submitted Nonconforming Development Assessment and provide written comments **before** the covenant is executed and recorded.
- 2. Please review the submitted Nonconforming Development Assessment and provide written comments **after** the covenant is executed and recorded.
- 3. **No** written comments are necessary.