City of Portland
Bureau of Planning and Sustainability
Bureau of Development Services
ABC’s of Land Use Workshop
January 31, 2018 at Kenton Firehouse
Agenda

• Land Use Planning Framework
• The Community and Neighborhood System
• Equity Framework
• Basics of the Zoning Code
• Break
• Development & Land Use Reviews
• Land Use Exercise
• Maps and Code Resources
• Questions / Wrap-Up
Oregon’s Land Use Planning Framework

- **State of Oregon**
  Requires all jurisdictions to have a Comprehensive Plan (Comp Plan guides growth and meets state land use requirements such as the state planning goals), urban growth boundaries, implementing ordinances.

- **Portland METRO region**
  Legislature empowered a regional council of governments with responsibility to coordinate land use planning for the Metropolitan area that includes Portland and 25 other cities and 3 counties.

- **City of Portland**
  The city must comply with state planning rules and the Metro Urban Growth Management Functional Plan, as well as other regional mandates such as the Regional Transportation Plan and waste management rules.
Oregon Land Use Law: Senate Bill 100

- Requires comprehensive plans approved by the state
- Requires urban growth boundaries
- Department of Land Conservation and Development (DLCD) charged with the creation and adoption of state-wide planning Goals and Guidelines
Statewide Land Use Planning Goals

Nineteen goals that address:

- Citizen Involvement
- Managing urban growth
- Economic development
- Housing
- Transportation
- Natural resources
- Farm and forest lands
- Coastal areas
• Voter created in 1978
• 25 cities and Clackamas, Multnomah and Washington counties
• Governed by a council president elected region wide and six councilors elected by district regional planning
Metro 2040 Growth Concept

Focuses Growth:
- Centers
- Main Streets
- Corridors
- MAX Transit Stations
Planning in the City of Portland

Comprehensive Plan
District plans and projects
Planning with other City Bureaus (Transportation, Housing, Parks)
Development Review and Code Administration
Long-Range Planning and Land Use/Development Review

- **Long-Range Planning** involves developing policy and implementation tools (usually regulatory) to address community vision and changing conditions. Often referred to as the legislative process.

- **Land Use/Development Review** involves applying regulations and procedures to review building and land use proposals. Discretionary land use reviews follow a quasi-judicial process.
Long-Range Planning and Land Use/Development Review

- **The Bureau of Planning and Sustainability** oversees long-range planning in Portland. BPS writes the Portland Zoning Code.

- **The Bureau of Development Services** performs land use reviews and reviews building/development permits. BDS implements the Portland Zoning Code.
Long-Range Planning

- Involves regulation or policies applicable Citywide or to a specific geography

- Reviewed by Planning and Sustainability Commission and City Council

- City Council makes the final decision and adopts by resolution or ordinance

- All plans must be consistent with Comprehensive Plan goals and policies, Metro’s Functional Plan and Regional Transportation Plan, and the State’s Goals and Guidelines

- Follows a legislative process, not a quasi-judicial land use review
Examples of Long-Range Planning Projects

Citywide
- Portland Plan and Update
- 2035 Comprehensive Plan update

Area and Neighborhood Plans
- Cully Commercial Corridor and Local Street Plan

Regional and Town Center
- Southwest Corridor Equitable Housing Strategy
- St. Johns and Lombard Plan
What is the Comprehensive Plan?

- State-mandated, long-range plan
- Prepare for and manage growth
- Plan and coordinate major investments
- Guide decision-making on land use, transportation, housing, parks, sewer and water systems, natural resources, and others.
Comprehensive Plan Elements

- Goals & Policies
- Urban Design Framework
- Public Investments
  - Citywide Systems
  - Transportation Systems
- Maps
Can you name any goals of the Comprehensive Plan?

- Community Involvement
- Urban Form
- Design and Development
- Housing
- Economic Development
- Environment and Watershed Health
- Public Facilities and Services
- Transportation
- Land Use Designations and Zoning
Guiding principles
Not just where but HOW Portland will grow.

The Comprehensive Plan includes five Guiding Principles to recognize that implementation of this Plan must be balanced, integrated and multi-disciplinary. The influence of the Guiding Principles is seen throughout the Plan as they shape many of the individual policies and projects.

Economic Prosperity
Support a low carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

Human Health
Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

Environmental Health
Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland’s air, water and land.

Equity
Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunity for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history.

Resilience
Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

For more information on how the Guiding Principles are used, please see About the Plan and Chapter 1: The Plan.

How the City is advancing Equity

EQUITY GUIDING PRINCIPLE
Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations.

Intentionally engage under-served and under-represented populations in decisions that affect them.

Recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history.
Equity concepts

- **Diversity** = Variety
  Diversity is necessary yet insufficient

- **Equality** = Sameness

- **Equity** = Fairness

- **Power** is access to resources and decision-makers, and ability to influence others for desired outcomes
- **Privilege** is an unearned advantage
- **Prejudice** is bias against a particular group of people which you believe to be inferior or different from you.
- **Racism** = Power + Privilege + Prejudice
Equity Lens

- **Process Equity**: Is the decision process inclusive, fair and open? Does it consider how different impacted communities can influence the process?

- **Distributional Equity**: Is there fair and just distribution of benefits and burdens to all residents in the community?

- **Intergenerational Equity**: How does local history impact the current context? Do the decisions and actions today break the cycle of disparities so there is equity for future generations?
ONI Community & Neighborhood Involvement programs

- **Disability Program**
- **Diversity and Civic Leadership Program**
- **Neighborhood Program** - Enhancing the livability of neighborhoods through community participation by providing organizing support, leadership development, and technical assistance to Portland's 95 Neighborhood Associations and seven District Coalitions.
- **New Portlanders Program**
- **Public Involvement Best Practices Program**
- **Youth Program**
ONI Diversity and Civic Leadership (DCL) Program

DCL partners:
• Urban League of Portland
• Native American Youth and Family Center (NAYA)
• Latino Network
• Immigrant and Refugee Community Organization (IRCO)
• Center for Intercultural Organizing (CIO)
District Liaison Program

• Planners assigned to six districts
• Address planning related issues
• Liaisons work with residents, neighborhood and business associations, and community-based organizations
Neighborhood Associations’ role in the land use review process

• Notices list neighborhood association and coalition contacts
• Appeal fees are waived for neighborhood associations
Communicating about development projects

- For some projects, developers must provide early notice - *Neighborhood Contact requirement*.
- Option to invite developers to come to a neighborhood association or other meeting.
Title 33 – Portland Zoning Code

Title 33 contains land use regulations for public and private property in Portland and Multnomah County urban pockets.

33.10.010 Purpose
The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.
Zoning Code:
Basic Code Structure

100s - Base Zones
200s - Additional Use & Development Regulations
400s - Overlay Zones
500s - Plan Districts
600s - Land Divisions & Planned Developments
700s - Code Administration & Procedures
800s - Land Use Reviews
900s - Reference
100’s – Base Zones

The Base Zone chapters address the **uses** that are allowed in each zone.

The chapters also detail the **site development standards** in each zone.
100’s – Base Zones

All sites in Portland (and the urban pockets) have a corresponding base zone.

33.100 Open Space zone
33.110 Single-dwelling zones
33.120 Multi-dwelling zones
33.130 Commercial zones

Changing to Commercial/Mixed Use 5.24.18

33.140 Employment and Industrial zones
# Zoning Names and Symbols: Base Zones

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Full Name</th>
<th>Symbol</th>
<th>Full Name</th>
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<tbody>
<tr>
<td>OS</td>
<td>Open Space</td>
<td>CN2</td>
<td>Neighborhood Commercial 2</td>
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<tr>
<td>RF</td>
<td>Residential Farm/Forest</td>
<td>CO1</td>
<td>Office Commercial 1</td>
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<tr>
<td>R20</td>
<td>Residential 20,000 (sf)</td>
<td>CO2</td>
<td>Office Commercial 2</td>
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<tr>
<td>R10</td>
<td>Residential 10,000 (sf)</td>
<td>CM</td>
<td>Mixed Commercial/Residential</td>
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<td>R7</td>
<td>Residential 7,000 (sf)</td>
<td>CS</td>
<td>Storefront Commercial</td>
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<tr>
<td>R5</td>
<td>Residential 5,000 (sf)</td>
<td>CG</td>
<td>General Commercial</td>
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<td>R2.5</td>
<td>Residential 2,500 (sf)</td>
<td>CX</td>
<td>Central Commercial</td>
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<td>R3</td>
<td>Residential 3,000 (14.5-21 DU/Ac)</td>
<td>EG1</td>
<td>General Employment 1</td>
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<tr>
<td>R2</td>
<td>Residential 2,000 (21.8 – 32 DU/Acre)</td>
<td>EG2</td>
<td>General Employment 2</td>
</tr>
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<td>R1</td>
<td>Residential 1,000 (43 - 65 DU/Acre)</td>
<td>EX</td>
<td>Central Employment</td>
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<td>RH</td>
<td>High Density Residential</td>
<td>IG1</td>
<td>General Industrial 1</td>
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<tr>
<td>RX</td>
<td>Central Residential</td>
<td>IG2</td>
<td>General Industrial 2</td>
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<tr>
<td>IR</td>
<td>Institutional Residential</td>
<td>IH</td>
<td>Heavy Industrial</td>
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<tr>
<td>CN1</td>
<td>Neighborhood Commercial 1</td>
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New Mixed Use zones

<table>
<thead>
<tr>
<th>Comp Plan Designation</th>
<th>Current Zone</th>
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<tr>
<td></td>
<td>CN1/2</td>
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<tr>
<td>Mixed Use Dispersed</td>
<td>CM1</td>
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<tr>
<td>Mixed Use Neighborhood</td>
<td>CM1</td>
</tr>
<tr>
<td>Mixed Use Civic Corridor</td>
<td>CM1</td>
</tr>
<tr>
<td>Mixed Use Urban Center</td>
<td>CM1</td>
</tr>
</tbody>
</table>
Zoning Names and Symbols: Base Zones
200’s – Additional Use and Development Regulations

• Development standards and review requirements for specific situations regardless of zone.

• Common application of regulations in this section:
  ➢ Accessory Dwelling Units (33.205)
  ➢ Landscaping and Screening (33.248)
  ➢ Parking and Loading (33.266)
400’s – Overlay Zones

- Applied in some areas, in addition to the base zones
- Used in areas with specific characteristics that require special regulations to:
  - preserve the character of the area
  - protect specific attributes
  - reduce or mitigate projected impacts on adjacent areas
## Zoning Names and Symbols: Overlay Zones

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Full Name</th>
<th>Symbol</th>
<th>Full Name</th>
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<tbody>
<tr>
<td>a</td>
<td>Alternative Design Density</td>
<td>c</td>
<td>Environmental Conservation</td>
</tr>
<tr>
<td>b</td>
<td>Buffer</td>
<td>p</td>
<td>Environmental Protection</td>
</tr>
<tr>
<td>d</td>
<td>Design</td>
<td>j</td>
<td>Main Street Node</td>
</tr>
<tr>
<td>g</td>
<td>Greenway River General</td>
<td>m</td>
<td>Main Street Corridor</td>
</tr>
<tr>
<td>i</td>
<td>Greenway River Industrial</td>
<td>h</td>
<td>Aircraft Landing</td>
</tr>
<tr>
<td>n</td>
<td>Greenway River Natural</td>
<td>x</td>
<td>Portland International Airport Noise Impact</td>
</tr>
<tr>
<td>q</td>
<td>Greenway River Water Quality</td>
<td>s</td>
<td>Scenic Resource</td>
</tr>
<tr>
<td>r</td>
<td>Greenway River Recreation</td>
<td>t</td>
<td>Light Rail Transit Station</td>
</tr>
<tr>
<td>f</td>
<td>Future Urban</td>
<td></td>
<td>Historic Resource Protection</td>
</tr>
</tbody>
</table>
Overlay Zones: design(d), alternative design density (a)
N/NE Historic or Conservation Districts

Orange = Historic District
Green = Conservation District
500’s – Plan Districts

Specifically defined geographic areas with unique characteristics that are preserved and/or promoted through the standards and incentives of the plan district.

Including:

• Albina Plan District
• Interstate Plan District
• St Johns Plan District
Map 583-2

St Johns Plan District
Maximum Heights

Bureau of Planning • City of Portland, Oregon
600’s – Land Divisions and Planned Developments

• Land Division regulations govern proposals for the division of parcels of land into smaller parcels or lots.

• Planned Development regulations allow flexibility of development standards for innovative and creative development.
The rules and regulations for administering the Code including:

- Descriptions of the different review types
- Details concerning application requirements, staff-level processing, review bodies, public hearings and appeals.
800’s – Land Use Reviews

Procedural requirements and approval criteria for the most common land use reviews, including:

• Adjustments
• Conditional Use Reviews
• Conditional Use Master Plans
• Design Reviews
• Historic Reviews
• Zoning Map Amendments
900’s – General Terms

Section of the Zoning Code which provides references for understanding Code language and applications of Code requirements to specific situations, including:

- List of Terms
- Definitions
- Use Categories
- Measurements
How Do I Access the Zoning Code Online?

• Portland Maps
  www.portlandmaps.com
  Under the “Zoning” tab
  Live links to base zone, overlay zones and plan district

• City Website
  www.portlandoregon.gov/zoningcode
Development & Land Use Reviews

Implementation of Zoning Code = Development Review (by BDS Land Use Services Section)

1. **Non-Discretionary Review** = Building Permit
   - Based on *clear and objective standards*

2. **Discretionary Review** = Land Use Review
   - Based on *approval criteria*
Non-Discretionary Reviews

Types of Non-Discretionary Reviews

- Permits
  - Building Permits
  - Mechanical Permits
  - Zoning Permits
  - Demolition Permits
  - Site Development Permits
- Zoning Confirmation Letters
- Lot Confirmations and Property Line Adjustments
- Documenting Nonconforming Situations Using Standard Evidence
Discretionary Land Use Reviews

Discretionary Review = Quasi-judicial Review

- Adjustments
- Conditional Uses
- Design/Historic Review
- Environmental Review
- Land Divisions
- Zone Changes
## Land Use Reviews

### Procedure Types

<table>
<thead>
<tr>
<th>PROCESS TYPE</th>
<th>I</th>
<th>II</th>
<th>IIx</th>
<th>III</th>
<th>IV</th>
<th>Comprehensive Plan Map Amendment &amp; Goal Exception</th>
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</thead>
<tbody>
<tr>
<td>Neighborhood notice required before application</td>
<td>★</td>
<td>★₁</td>
<td>★₂</td>
<td>★₂</td>
<td>★₂</td>
<td>★₂</td>
</tr>
<tr>
<td>Pre-application conference required</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
</tr>
<tr>
<td>Public notice required, opportunity to comment</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
<td>★</td>
</tr>
<tr>
<td>Notice to property owners, distance from site (in feet)</td>
<td>100</td>
<td>150</td>
<td>150</td>
<td>400</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Notice to recognized organizations distance from site (in feet)</td>
<td>Within proximity of site</td>
<td>400</td>
<td>400</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>Length of comment period (in days)</td>
<td>30</td>
<td>21</td>
<td>30</td>
<td>2₁₃</td>
<td></td>
<td></td>
</tr>
<tr>
<td>120-day review period applies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision by case planner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision by hearings body or City Council (public hearing required)</td>
<td>planner recommends to hearings body</td>
<td></td>
<td></td>
<td>City Council makes final decision</td>
<td></td>
<td>hearings body recommends to City Council</td>
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<tr>
<td>Estimated timeframe, (given complete application, without appeal, in months)</td>
<td>2 ½</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3 ½</td>
<td>5</td>
</tr>
<tr>
<td>Opportunity for local appeal</td>
<td>to hearings body</td>
<td>to hearings body</td>
<td>to City Council</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

1. For some design reviews
2. For land divisions, planned developments, and some design reviews
3. Comment period may be longer, as comments are accepted up to and at time of hearing.
Land Use Review Steps:

- Application submitted to City
- Proposal deemed complete for processing
- Public notice/comment period
- Planner prepares decision or recommendation:
  - Applicant’s statement
  - Responses received
  - Public Comments
  - Agency Comments
  - Zoning Code Approval Criteria
  - Appeal Period

The decision provides a narrative analysis in “findings” that address each of the relevant Approval Criteria and state a nexus for any conditions of approval.
Approval Criteria…

Approval criteria are the ‘rules’ against which a land use review proposal is weighed. The criteria are specific by review type and form the basis for the land use decision.

Examples:

**Adjustment Review:**

*Granting the adjustment will equally or better meet the purpose of the regulation to be modified.*

**Greenway Review:**

*There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback.*
Findings….

Written explanation of how the proposal does or does not meet the approval criteria. The findings will state that the criterion is met, not met, or can be met with conditions.
Conditions of Approval...

Conditions placed on the approval intended to ensure that the proposal meets the approval criteria. These conditions may also mitigate the impacts that might be expected to occur. In order to justify these conditions there must be a legal nexus.

Example condition of approval:

*The applicant must construct a right-out only turn lane from the parking lot to best handle internal traffic congestion.*
Nexus.....

• Legal term used to describe a direct connection between a condition of approval and the impact created by the proposal

• The nexus must be related to the Approval Criteria and must be explained in the findings

• The nexus must also show that the requirement of the condition is of the same weight as the expected impact
Burden of Proof.....

• Burden of proof is the measure that shows whether the approval criteria have been met or can be met with conditions of approval.

• The burden of proof is on the applicant to show that the approval criteria are met.
What Counts.....

• Decisions are based on whether the proposal does or does not meet the relevant Approval Criteria.

• The applicant has to provide information that shows that the proposal meets the burden of proof required by the Approval Criteria.

• Comments on the proposal have to address the Approval Criteria.
Opportunities for Public Participation

**Permits/Non-Discretionary Reviews**

- If Neighborhood Contact is Required – Attend Meeting
- Track Permits Online
- Review Plans
- Direct Questions to Assigned Reviewers
- Contact Your Neighborhood Representative(s)
- Appeal to LUBA
Opportunities for Public Participation

Land Use Reviews

- Read and Understand the Notice
- Examine the Proposal Against Approval Criteria
- Direct Questions to Assigned Reviewers
- Contact Your Neighborhood Representative(s)
- Review the Case File
- Provide Written Comments*
- Attend/Testify at the Hearing (if applicable)
- Appeal the Decision
Oppportunities for Public Participation

Long-Range Planning

- Track Projects Online
- Review Project Materials
- Participate in Public Workshops
- Provide Written Comments*
- Follow on Social Media
- Read and Understand the Notice
- Attend/Testify at the Hearing
Guidelines for Effective Comments

• Put It In Writing

• Be Timely
  You must respond by the deadline listed in the notice if you want your comments to be considered.

• Address The Approval Criteria
  Only issues that are related to the approval criteria can be considered in the decision-making process.

• Identify The Connection (Nexus)
  If changes to the proposal are suggested, these changes, or conditions, must be directly related to the approval criteria, and be reasonable, given the expected impacts of the proposal.
Guidelines for Effective Comments

Types of Comments to Avoid:

• **Vague or General Comments**
  “We are opposed to this request.”

• **Personally-Oriented Comments**
  “We don’t want renters in our neighborhood.”

• **Out of Proportion Requests (think Nexus)**
  “If they want permission to build one more house on this street, they should be required to install a traffic signal, a bus shelter, and a community garden.”
Resources

DEVELOPMENT SERVICES CENTER
First Floor, 1900 SW 4th Avenue
Monday, Tuesday, Wednesday and Friday
– 7:30 AM to 3:00 PM. Thursdays 7:30 AM
– 12:00 PM; 5:00 PM to 7:30 PM.

ZONING INFORMATION HOTLINE
(503) 823-PLAN (7526)

ZONING MAPS
www.portlandmaps.com

ZONING CODE REGULATIONS
www.portlandoregon.gov/zoningcode
(or follow links through portlandmaps)

State Dept of Land Conservation and Development (DLCD):
Land Use Exercise

LU 17-128386 AD

• Public Notice
• Approval Criteria
• Decision
Understanding the Notice

Assigned Case Planner:
Your point of contact

Public Comments Due Date:
Comments received after this date cannot be considered

Case Reference Number:
All correspondence should reference the land use case by this number

Neighborhood Contact Info:
Your neighborhood representatives

Site Zoning and Procedural Information

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood that requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. Copies of the site plan, ADU floor plans, elevation drawings and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

We must publish our decision within 25 days, we need to receive your written comments by 5 p.m. on April 11, 2017. Please mail or deliver your comments to the address at the bottom of the case, use the Case File Number, LU 17-128386 AD, in your letter. It also is helpful to address your letter to me, Kathleen Stokes. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-128386 AD

Applicant: Chris Davis, Davis Design Architecture and Interiors
4005 NE Franklin St, Ste 202
Portland, OR 97213

Owners: Howard and Barbara F Ginsberg
41 Commonwealth Ave
San Francisco, CA 94118

Site Address: 5105 NE 28TH AVE

Legal Description: BLOCK 26 LOT 18&20, IRVINGTON PR
Tax Account No.: R413008520, R413008520
Site ID No.: 011E10CB 08800, 011E10CB 08800
Quarter Section: 2425

Neighborhood: Concordia, Garnett Woodson at 905-920-9873
Business District: North Northeast Business Assoc, contact at chair@nnbeportland.org
District Council: Northeast Coalition of Neighborhoods, Jessica Rapp at 503-889-0830

Zoning: R1, b (Residential 1,600, High Density Single-Dwelling, with Alternative Design Density and Aircraft Landing Overlay Zones)

Case Type: Adjustment Parcell

Procedure: Type II, administrative decision with appeal to Adjustment Committee

Date: March 21, 2017
From: Kathleen Stokes, Land Use Services
800-825-7845/Kathleen.Stokes@portlandoregon.gov

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201
Understanding the Notice

Description of the Proposal:
What this review is about

Relevant Approval Criteria:
Details of approval criteria are available online at www.portlandoregon.gov/zoningcode
Understanding the Notice

Local Appeal Process/Rights continued:
Describes how to appeal the decision. The proposal cannot be appealed until the decision has been rendered.

LUBA Appeal Process/Rights:
Describes how to appeal the City’s final decision. The proposal cannot be appealed to LUBA until all local appeal options are exhausted.