



Land Use Review Application Checklist

LUR Application Materials: (LUR staff, check all that apply)

Forms

- Land Use Review Application Form
- Procedure description and other information
- Approval Criteria for the following land review:
 - Adjustment Review
 - Design Review
 - Greenway Review
 - Zoning Map Amendment
 - Conditional Use Review,
 - Environmental Review,
 - Historic Review,
 - _____

Handouts

- Sample Site Plan (Residential)
- Landscaping Code; Chapter 33.248
- Parking Code; Chapter 33.266
- Fee Schedule
- Purpose Statements - Single Dwelling Zones
- _____
- _____

Submitting the Application

Bring the completed application to the Development Services Center, on the first floor of 1900 SW Fourth Ave. A city planner will review the application, answer any questions you may have and prepare a receipt for the filing fee that must be submitted at the same time as the application.

If you have questions about the application or the application process, please call the Development Services Center at 503-823-7526. A planner will return your call. Visit the Development Service Center on the first floor, call for hours 503-823-7310.

Items that MUST be submitted with the application

1. One copy of the completed and signed **Land Use Review Application**.
2. Two copies of the written statement that describes how your proposal meets the **Approval Criteria** for your request.
3. Five copies of the **site plan**, utility plans and landscape plans drawn to scale, and one 8.5 x 11 inch reduction suitable for photocopying of all plans.
4. Two copies of **building elevation drawings**, one drawn to scale, and one copy reduced to 8.5 x 11 inches, suitable for photocopying. These drawings must demonstrate how the proposal meets the approval criteria. For Design Review and Historic Review, a minimum of two copies of full size plans to scale, and two 8.5 x 11 inch copies of all elevation drawings and relevant details.
5. One copy of photographs that are essential to the proposal and demonstrate how the proposal meets the approval criteria.
6. Two copies of the information required by the specific land use review such as documentation of compliance with the off-site impact standards, upgrades to non-conforming development, or traffic and parking studies per the pre-application notes.
7. One copy of the notes from the pre-application conference, if applicable.
8. If the Neighborhood Contact Requirement applies to your proposal, submit one copy of all letters and all certified or registered mail receipts.
9. Cash, check, credit card, or money order for the required filing fee.

For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

For Portland Zoning Code visit www.portlandoregon.gov/zoningcode

Information is subject to change.



Land Use Review Application

File Number: _____

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____

Type I Type Ix Type II Type IIx Type III Type IV

LU Reviews _____

[Y] [N] Unincorporated MC

[Y] [N] Flood Hazard Area (LD & PD only)

[Y] [N] Potential Landslide Hazard Area (LD & PD only)

Qtr Sec Map(s) _____ Zoning _____

Plan District _____

Historic and/or Design District _____

Neighborhood _____

District Coalition _____

Business Assoc _____

Related File # _____

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

Development Site

Address or Location _____

Cross Street _____ Sq. ft./Acreage _____

Site tax account number(s)

R _____ R _____ R _____

R _____ R _____ R _____

Adjacent property (in same ownership) tax account number(s)

R _____ R _____ R _____

Describe project (attach additional page if necessary)

Describe proposed stormwater disposal methods

Identify requested land use reviews

• **Design & Historic Reviews** - For **new development**, provide project valuation. \$ _____

For **renovation**, provide exterior alteration value. \$ _____

AND provide total project valuation. \$ _____

• **Land Divisions** - Identify number of lots (include lots for existing development). _____

New street (public or private)? yes no

continued / over 1

Applicant Information

- Identify the primary contact person, applicant, property owner and contract purchaser. Include any person that has an interest in your property or anyone you want to be notified. Information provided, including telephone numbers and e-mail addresses, may be included in public notices.
- For all reviews, the applicant must sign the Responsibility Statement.
- For land divisions, all property owners must sign the application.

What contact below do you want recording documents sent to: _____

PRIMARY CONTACT, check all that apply Applicant Owner Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Check all that apply Applicant Owner Other _____

Name _____ Signature _____

Company/Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Day Phone _____ FAX _____ email _____

Responsibility Statement As the applicant submitting this application for a land use review, I am responsible for the accuracy of the information submitted. The information being submitted includes a description of the site conditions. I am also responsible for gaining the permission of the owner(s) of the property listed above in order to apply for this review and for reviewing the responsibility statement with them. If the proposal is approved, the decision and any conditions of the approval must be recorded in the County Deed Records for the property. The City of Portland is not liable if any of these actions are taken without the consent of the owner(s) of the property. In order to process this review, City staff may visit the site, photograph the property, or otherwise document the site as part of the review. I understand that the completeness of this application is determined by the Director. By my signature, I indicate my understanding and agreement to the Responsibility Statement.

Print name of person submitting this application _____

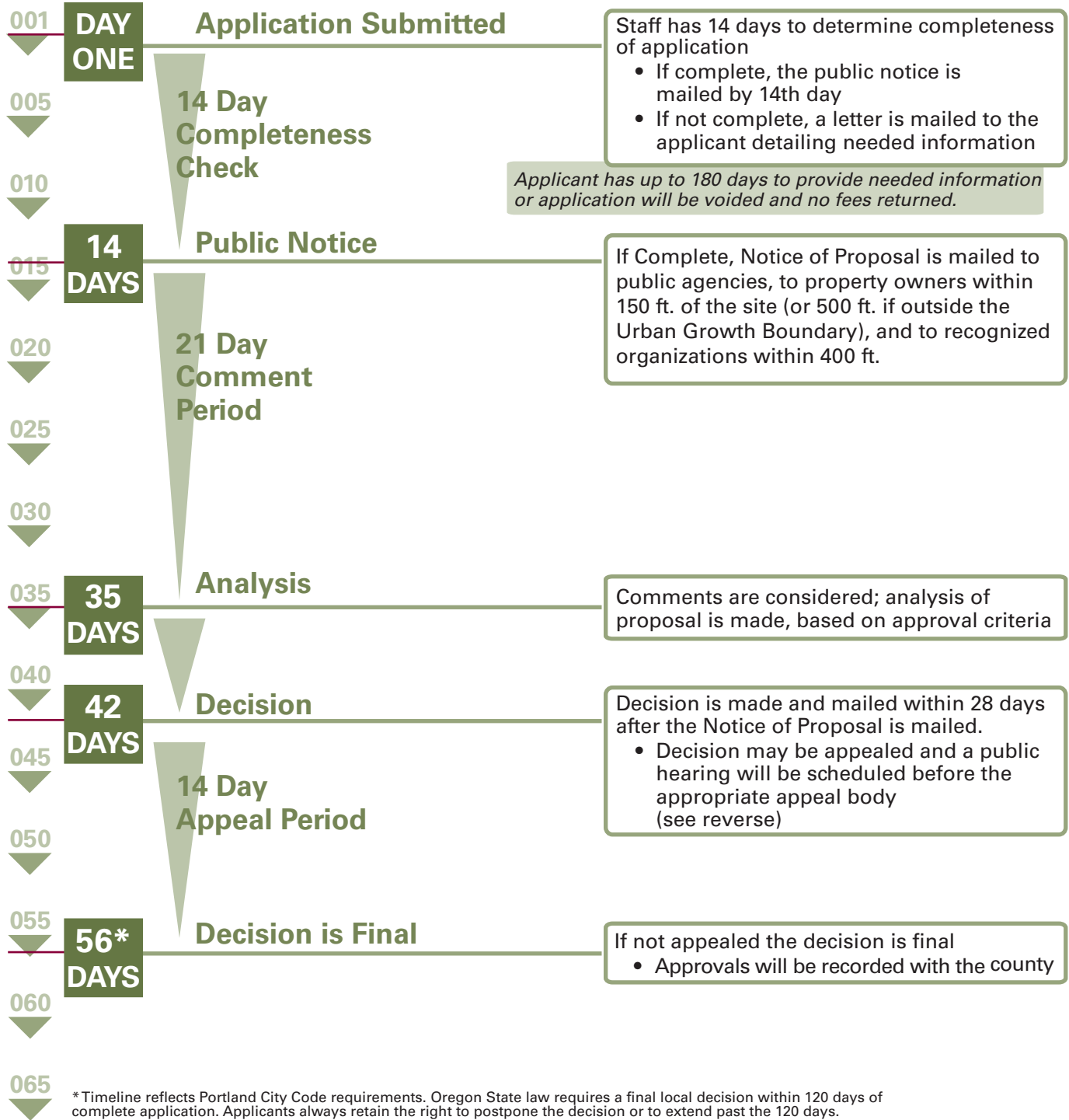
Signature _____

Phone number _____ Date _____



Type II Land Use Review Procedure

✓ • Pre-Application Conference is optional for all Type II Procedures, and is valid for one year



If the decision is appealed

If the decision is appealed, a public hearing is scheduled. A notice of this hearing is mailed to the public within five working days of the appeal being filed. The hearing is scheduled approximately three weeks after the appeal notice is mailed.

The appeal fee charged is \$250.00. The fee is refundable if the appellant prevails at the hearing (if the original proposal is modified, no refund is applicable). No fee is charged to ONI recognized organizations appealing a land use decision for a property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws.

The appeal hearing and decision

The type of appeal hearing we hold depends on the type of land use review that applies to your application. Reviews may be held before the following review bodies:

- The Adjustment Committee
- The Hearing Officer
- The Design Commission
- The Landmark Commission

The Hearings Officer may make a decision at the time of the hearing, or issue a written decision within 17 days of the hearing. The Design Commission, Landmarks Commissions, and the Adjustment Committee make their decision at the end of the hearing. The decision of these review bodies is final, and cannot be appealed to the City Council. Any further appeal is to the State Land Use Board of Appeals (LUBA).

For more information visit or call the Planning and Zoning staff at the
Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526
For current Portland Zoning Code visit www.portlandoregon.gov/bps/31612

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



Adjustment Approval Criteria, Zoning Code Chapter 33.805

Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code.

Adjustment procedure

Adjustment requests are processed through a Type II (www.portlandoregon.gov/bds/article/71806) administrative procedure that results in a staff decision. If the decision is appealed, a public hearing is held and the Adjustment Committee makes the final local decision. Information about the Type II procedure is attached to this packet.

Guidelines for Addressing Approval Criteria, Zoning Code Section 33.805.040

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F, listed below, have been met (Zoning Code Section 33.805.040 - www.portlandoregon.gov/bps/article/54249).

The burden of proof is on the applicant to show how the request meets the approval criteria. A ***written response to all applicable approval criteria must be part of your application***. Be sure to address each criterion. Note that adjustment approval criteria for signs are stated in Title 32 (www.portlandoregon.gov/citycode/?c=28196).

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

In order to make findings that the adjustment equally or better meets the purpose of the regulation(s), the applicant must first identify the specific purpose statement for the standard, located in the Portland Zoning Code (www.portlandoregon.gov/bps/title33_complete_print.pdf). All relevant portions of the purpose statement must be addressed. If multiple Adjustments are requested (for different standards) each purpose statement must be addressed. *

Purpose Statements of the Single Dwelling Zones (www.portlandoregon.gov/bds/article/98198)

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

If the site is in a residential zone, you will need to demonstrate that the proposal is compatible with the area. It is therefore important to look at the residential area, which includes adjacent neighbors and other houses in the general vicinity of the site (approximately 1 block in all directions). When discussing "livability and appearance," calling out examples of similar development in the area to what is being proposed will strengthen your proposal.

If the site is in an OS, C, E, I, or CI zone, note that street classifications can be found via the Portland Transportation System Plan (TSP) map: <http://pdx.maps.arcgis.com/apps/webappviewer/index.html?id=d1d5e545ca6f436fb119932d710ff2fb>

Additionally, the Portland Zoning Code defines "desired character" as "the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area."

- Character statements and purpose statements are found in within the 33.100s section of the Zoning Code (Base Zones) (www.portlandoregon.gov/bps/34560)
- Overlay Zones are found in the 33.400s section of the Zoning Code (www.portlandoregon.gov/bps/34562)
- Plan Districts are found in the 33.500s section of the Zoning Code (www.portlandoregon.gov/bps/34563)
- Design Disticts are found in Map 420-1 through Map 420-6 of the Zoning Code (www.portlandoregon.gov/bps/article/53342)
- Adopted area plans are found here: www.portlandoregon.gov/bps/34248

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- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

The “purpose of the zone” can be found under the first paragraph of every base zone within the Zoning Code (www.portlandoregon.gov/bps/34560).*
If only one adjustment is proposed, this criterion will not apply.

- D. City-designated scenic resources and historic resources are preserved; and

City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district.* If the site is not considered a City designated scenic resource, this criterion will not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Mitigations should be related to and offset any impacts created by the Adjustment.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable

Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone).* If the site is not considered a City designated environmental zone, this criterion will not apply.

In the uncommon situation where ***all reasonable economic use of the site would be precluded*** if the adjustment were not granted, the following approval criteria G, H and I apply. Because these approval criteria apply only in unusual circumstances, please discuss your proposal with Planning and Zoning staff before preparing your application.

- G. Application of the regulation in question would preclude all reasonable economic use of the site; and

- H. Granting the adjustment is the minimum necessary to allow the use of the site; and

- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

*If you need help locating the base zone, overlay zone, plan district, adjacent street classification, adopted area plans, purpose statements, etc. please contact the Planning and Zoning Hotline at 503-823-7526 or consult with a planner in person at the [Development Services Center](#) located at 1900 SW 4th Avenue, Portland, OR 97201 on the First Floor

For more zoning information visit or call the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

For current Portland Zoning Code visit www.portlandoregon.gov/bds | select Codes tab | City Codes | Title 33 Zoning Code

Purpose Statements of the Single Dwelling Zones

(RF, R20, R10, R7, R5, R2.5)

The purpose statements below are provided to assist applicants in preparing adjustment review applications for sites in single dwelling zones.

An adjustment application must address the approval criteria of Zoning Code Section 33.805.040. Purpose statements are important for approval criterion A, which requires that the applicant demonstrate how the proposal continues to meet or better meet the purpose of the regulation to be adjusted. For example, an applicant's proposal to reduce the minimum side yard setback from 5 feet to 3 feet must describe how the reduced setback continues to meet the purpose statement for setbacks.

Following are a list of purpose statements associated with common development standards of the single dwelling zones. For adjustments to development standards not listed below, please refer to the Zoning Code for the relevant purpose statement.

Height (33.110.215)

The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's neighborhoods.

Setbacks (33.110.220)

The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Building Coverage (33.110.225)

The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

Detached Accessory Structures (33.110.250)

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures, promote compatibility of design for larger structures, provide for necessary access around larger structures, help maintain privacy to abutting lots, and maintain open front setbacks.

Garages (33.110.253)

These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

Fences (33.110.255)

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

Accessory Dwelling Units (33.205.010)

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

Parking (33.266.120)

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.