



# Type III Decision Appeal Fee Waiver Request for Organizations

FOR INTAKE, STAFF USE ONLY

LU Number: \_\_\_\_\_

Date/Time Received \_\_\_\_\_

Received By \_\_\_\_\_

Directors Approval Letter Requested

Waiver Approved by Director

Waiver Denied

Date waiver Approved/Denied: \_\_\_\_\_

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

**This form is to request a waiver for the fee charged for an appeal. To file an appeal, a separate form must be completed.**

Development Site Address or Location \_\_\_\_\_

File Number \_\_\_\_\_ Appeal Deadline Date \_\_\_\_\_

## Organization and Appeal Information

Organization Name \_\_\_\_\_

Person Authorized by the Organization to file the Appeal \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Day Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

By signing this form, the organization confirms that:

yes  no The organization testified orally or in writing at the hearing, and the testimony was directed to a specific approval criterion;

yes  no The appeal is being made on behalf of the recognized organization, and not on behalf of an individual; and

yes  no The vote to appeal was done in accordance with the organization's bylaws.

Name/Title \_\_\_\_\_

Signature/Date \_\_\_\_\_

Please complete all of the information requested below.

See reverse side for additional information on fee waiver requirements.

**Date of meeting when the vote to appeal the land use decision was taken :**

**The decision to appeal was made by a vote of (check one of the following):**

The general membership in a meeting of the organization as listed above.

The board in a meeting of the organization as listed above.

The land use subcommittee in a meeting of the organization as listed above.

**Please include at least one of the following:**

A copy of the minutes from the meeting when the vote to appeal was taken.

Vote results to appeal - Number of **YES** votes to appeal \_\_\_\_\_ Number of **NO** votes to appeal \_\_\_\_\_

**To request a waiver of an appeal fee for a land use review take:**

This completed fee waiver request form and any supplemental information necessary to qualify for a fee waiver.

**The City must receive the appeal fee waiver request and the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee waiver application at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.**

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## Information about Type III Appeal Fee Waiver Requests for Organizations

The following information will help neighborhood, community, business and industrial associations and other organizations that are recognized or listed in the Office of Neighborhood Involvement Directory to apply for fee waivers when appealing a City land use review decision. The Portland Zoning Code, the Office of Neighborhood Involvement and the Oregon statutes, which regulate public meetings and public records, all describe requirements that associations and organizations must meet when requesting a fee waiver from the City for a land use appeal.

In order for an appeal to be valid, it must be accompanied by the required appeal fee or a waiver request that was approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). The Bureau of Development Services Director may waive a land use review appeal fee for a recognized organization under certain circumstances (Section 33.750.050). A recognized organization is one that is listed by the Office of Neighborhood Involvement (Portland Zoning Code Chapter 33.910).

Because the City understands that the timelines for appeals are short, we will allow the waiver and appeal to be submitted at the same time. However, if the request for a fee waiver is denied, the appeal may be invalid because the deadline passed and the fee did not accompany the appeal. Within 48 hours of receiving the fee waiver request, the Bureau of Development Services Director, or the Director's delegate, will notify the organization's contact person as to whether the request for a fee waiver is approved, or if additional information is needed to make a decision on the fee waiver request. The Director's decision to waive an appeal fee is final.

### Zoning Code Requirements

The Portland Zoning Code states that the appeal fee may be waived for a recognized organization if all of the following conditions are met:

1. The recognized organization has standing to appeal. This applies only to appeals of a Type III land use review, and means that the recognized organization testified, either orally or in writing, at the initial evidentiary hearing;
2. The appeal is being made on the behalf of the recognized organization; and
3. The appeal contains the signature of the chairperson or the other person authorized by the organization, confirming the vote to appeal was done in accordance with the organization's bylaws.

### Applicant contact

While it is not a requirement of the Zoning Code, you are encouraged to notify the applicant or their representative prior to the meeting where an appeal of the City's decision will be discussed and voted on. This gives the applicant, or their representative, an opportunity to attend the meeting and participate in the discussion.

### Where to obtain the Type III Decision Appeal Fee Waiver Requests and Appeal Forms

To file an appeal, a separate form must be completed and submitted. Both the Appeal Fee Waiver Form and Appeal Form are available from the Bureau of Development Services, Development Services Center, 1st floor, 1900 SW Fourth Avenue, Portland, OR 97201.