100-Day Timeline for Type III Land Use Review Procedure (for qualified affordable housing projects)

A qualified project is a multi-dwelling residential building containing five or more units where 50% of residential units are affordable for a period of 60 years to households with incomes equal to or less than 60% of the median family income.

**Application Submitted**
- Staff has 21 days to determine completeness of application
  - A letter of intent from PHB must be included with the application as a completeness item
  - If complete, the public hearing is scheduled to be held within 35 days
  - If not complete, a letter is sent detailing the needed information

**Request For Response (RFR)**
- Mailed to public agencies and recognized organizations within 1,000 ft. of site
  - Must notify IAs of reduced RFR from 30 to 10 days
  - Alert Records Management to change dates in TRACS

**Applicant Posts Site**
- 30 days before public hearing
  - One sign with notice of the hearing is posted for every 600 ft. of frontage on each abutting street

**Public Notice**
- Mailed 20 days before hearing
  - Notice mailed to recognized organizations within 1,000 ft. and to property owners within 400 ft. of the site (or 500 ft. if outside the Urban Growth Boundary)

**Staff Report**
- Published 10 days before hearing, includes staff recommendation to hearings body

**Public Hearing**
- Held within 35 days of complete application
  - Decision may be pronounced at hearing or made after close of record. Record may be kept open, on request

**Hearings Body Decision**
- Mailed within 6 days (or 15 days if HO) of close of record
  - For all, include tentative appeal hearing date at least 21 days out.

**Decision is Final**
- If not appealed the decision is final
  - Approvals will be recorded with the county
  - For land divisions, a Final Plat application must be submitted for review and approval before the plat can be recorded

* Timeline reflects Portland City Code requirements in 33.730.030. Oregon State law requires a final local decision within 100 days of complete application. Applicants always retain the right to postpone the decision. As noted above, requests to keep the record open may cause the timing of the decision to vary. Comprehensive Plan Map Amendments and Goal exceptions require a second hearing before City Council and are not subject to the 120 Day Rule.*
The hearing and decision

Depending on the type of application submitted, a public hearing will be held before the Hearings Officer, Design Commission, or Historic Landmarks Commission. For Comprehensive Plan Map Amendments or Goal Exceptions, a hearing before City Council is also required.

The hearing allows the review body to gather all of the information needed. It is also your opportunity to provide additional input into the decision-making process. As the applicant, you must demonstrate that your proposal satisfies all of the approval criteria. Anyone opposing your proposal must demonstrate that one or more of the approval criteria cannot be satisfied. The review body will make a decision based solely on the applicable approval criteria.

If a decision is appealed

*Appeal hearing will be preset.* If the decision is appealed, the City Council is the review body that hears the case. Within five working days of receiving the appeal, the Bureau of Development Services will mail a public notice announcing the hearing. The hearing will take place approximately three weeks after the notice is sent to the public. The appeal fee is one-half of the original application fee. Neighborhood Association may request an appeal fee waiver. The City Council hearing is mandated by the same criteria that governed the previous hearings related to the land use review. No City Council appeal is available for decisions on sites in unincorporated Multnomah County.

If any new information is received at the hearing, any party may request a continuance of the hearing. If that request is made before the hearing ends, the record will remain open for at least seven days. In most cases, the City Council will take an initial vote at the end of the public hearing and take a final vote at a later time (approximately four weeks from the date of the original hearing).

The City Council decision may be appealed to the State Land Use Board of Appeals (LUBA). A case in unincorporated Multnomah County may also be appealed to LUBA.

Recording the decision with the County Recorder

If your proposal is not appealed, it is final the day after the last day to appeal. An appealed decision is final on the day that the review body issues its decision. The decision will be recorded with the County Recorder’s Office; if you have a building permit pending, it can be issued only after the appeal period has passed and all conditions of the decision are met.