

Type IV Demolition Permit – summary of process

Individual listing in the National Register of Historic Places triggers demolition review (Chapter 33.445.150, A.1.a).

Demolition review is processed through a Type IV land use review procedure (Chapter 33.846.080). One of the following approval criteria must be met:

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; or
2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans.

Demolition review process (Chapter 33.730.031):

1. Applicant completes a pre-application conference with BDS staff.
2. Applicant submits a complete application for Type IV land use review.
3. BDS schedules a public hearing, to be conducted by the assigned review body. The assigned review body for Type IV procedures is City Council.
4. Prior to the City Council public hearing, BDS will coordinate the following:
 - a. Historic Landmarks Commission will review the proposal at a public meeting.
 - b. Historic Landmarks Commission will forward to BDS tapes or transcripts of the meeting; any correspondence or other documents received at the meeting; and any comments or suggestions from the Commission members as documented in a letter or testimony.
 - c. BDS will mail out notices of the City Council public hearing (and applicant will post at site) 20 days prior to the hearing.
 - d. BDS will prepare a report with recommendations, file with City Council and make publicly available at least 10 days prior to the hearing, and mail the report to neighbors.
5. City Council will review the BDS report and may adopt it, modify it or reject it. If modified or rejected, the findings and recommended decision must be revised and resubmitted to City Council.
6. Prior to final adoption, all findings must be reviewed and approved by the City Attorney.
7. The findings and decision must be adopted by City Council vote.
8. The decision of City Council (review body) is effective on the day the notice of decision is mailed by the City Auditor.
9. The decision of City Council is final and may not be appealed at a local level. It may be appealed to the State Land Use Board of Appeals (LUBA).
10. Approval of demolition as a land use action does not constitute issuance of a demolition permit. The demolition permit will not be issued until a building permit for a new building on the site has been issued (may be issued simultaneously).

Maximum permitted timelines (Chapters 33.730.031, 33.730.050):

Pre-application conference:

- 42 days permitted for BDS scheduling of conference upon receipt of request.
- 21 days permitted for BDS mailing written summary of conference.

Application for land use (demolition) review:

- 21 days permitted for BDS to determine application is complete.
- 180 days permitted for applicant to address incomplete application.

Schedule a public hearing with review body (City Council):

71 days permitted for BDS to schedule public hearing once application is complete.

Revise BDS findings and recommended decision (if requested by City Council at public hearing):

No time limit.

City Attorney to review findings prior to final adoption.

No time limit.

City Council to schedule final City Council (review body) vote.

No time limit (minimum one week after public hearing).

City Auditor to mail notice of final decision to applicant.

5 days from final review body vote.

Additional Considerations:

City Council's decision is final at the local level. The decision can be appealed to the State Land Use Board of Appeals (LUBA). This could add significant time to the timeline.

Listing on the National Register of Historic Places is not affected by City of Portland Historic Landmark status. Although there is a City of Portland land use process to remove Historic Landmark status, it does not remove National Register listing. Demolition review is required by City of Portland for any building that is individually listed on the National Register.

Removal of National Register listing can only occur through the Keeper of the National Register of Historic Places, National Park Services, United States Department of the Interior. All requests for removal must go through the State Historic Preservation Officer for states with approved State Historic Preservation programs. Oregon has an approved State Historic Preservation program.