

association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.

3. Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.
4. The application must be submitted within one year from the date of sending the initial letter required in paragraph C.1., or the neighborhood contact process must be restarted.

33.700.030 Violations and Enforcement

- A. Violations.** It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. This applies to any person undertaking a development or land division, to the proprietor of a use or development, or to the owner of the land underlying the development or land division. For the ease of reference in this chapter, all of these persons are referred to by the term "operator."
- B. Notice of violations.** BDS must give written notice of any violation of this Title, land use decision, or conditions of land use approval to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Responsibility for enforcement.** The regulations of this Title, land use decisions, and conditions of land use approvals may be enforced in one or more of the following ways:
 1. By the Director of BDS pursuant to Chapter 3.30 and Title 22 of the City Code; or
 2. By the Director of BDS pursuant to 33.700.040 below.

33.700.040 Reconsideration of Land Use Approvals

- A. Purpose.** The ability to publicly reconsider a land use approval provides an opportunity to determine if the use or development is in compliance with this Title. It also allows for clarification of prior land use approvals. As part of this reconsideration, the ability to add new conditions or even revoke the approval provides a strong enforcement mechanism for this code.
- B. Situations when land use approvals may be reconsidered.** All quasi-judicial land use approvals, except plan amendments, zone changes, and land divisions, may be reconsidered. In addition, all uses that became conditional uses or nonconforming uses due to a change of zoning regulations or mapping are also eligible for reconsideration. They may be reconsidered if there is evidence of any of the following situations:
 1. One or more conditions of the land use approval have not been implemented or have been violated;
 2. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year; or

- B. Applications that will not be accepted.** Applications for land divisions that include elements that are prohibited by this Title will not be accepted.

33.700.020 Uses and Development Which Are Not Allowed By Right

Requests for uses and development which are not allowed by right require a land use review. The specific land use review is stated in the base zone or other regulations of this Title. Each land use review has specified quasi-judicial procedures. See the 800s series of chapters for a description of the land use reviews and Chapter 33.730 for a description of the quasi-judicial procedures.

33.700.025 Neighborhood Contact

- A. Purpose.** The Neighborhood Contact process provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic resource review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

- B. When Neighborhood Contact is required.** Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.
- C. Requirements.** The requirements for Neighborhood Contact are:
1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. Meeting request forms are available at the Development Services Center. Applicants are encouraged to include conceptual site plans, building elevations, and any other information that supports their proposal. The request letter must summarize the proposed development, the purpose of the meeting, and describe the following timelines.

The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.
 2. After the meeting and before applying for the land use review or building permit, the applicant must send a letter by registered or certified mail, to the neighborhood

Current Neighborhood Contact structure

Category	Types	Require Offer of Meeting
By-right development (no LUR)	<ul style="list-style-type: none"> • Multi-dwelling zones • *Commercial/MU zones* • *Campus Institution zones* • Project on Division in m overlay 	<ul style="list-style-type: none"> • Creates ≥5 units OR ≥10,000 sq ft • Creates ≥5 units OR ≥10,000 sq ft • Creates ≥10,000 sq ft • Creates ≥5,000 sq ft or a supermarket
Bulk Fossil Fuel Terminals (no LUR)	Fuel Storage	New structure for fuel storage
Land Divisions	<ul style="list-style-type: none"> • Type Ix Land Use Review • Type III Land Use Review 	<ul style="list-style-type: none"> • Meets Type Ix criteria • Meets Type III criteria
Planned Developments		All
Quasi-Judicial Procedures		Expedited Land Divisions
Community Design Standards		Creates >3 units OR >10,000 sq ft in commercial or industrial use OR in the IR zone when not covered by CUMP or IMP
Design Review	In a overlay OR in Albina Community Plan area OR in Outer Southeast Community Plan area	Creates >3 units OR >10,000 sq ft in commercial or industrial use OR in the IR zone when not covered by CUMP or IMP
Historic Resource Review	In a overlay, in Albina Community Plan area, or in Outer Southeast Community Plan area	Creates >3 units OR >10,000 sq ft in commercial or industrial use OR in the IR zone when not covered by CUMP or IMP



Other LU Notification Examples

What	When	What	Why
Major Alteration or Addition	Before or after application; permit not issued until 35 days after email notice	-Email to ROs -Door hangers on adjacent properties	Courtesy
E-zones plan check	On receipt of complete application	-On-site posting -BDS website posting -Email to NAs	Courtesy
Murals Process (admin rule)	Before permit can be issued, usually after application submitted	-On-site posting advertising meeting -Open meeting -Mail to NA and DC about meeting	Opportunity to provide advisory comments (to applicant)
LU Reviews	On receipt of complete application	-Mail to ROs, pub agencies and prop owners -Additional notice of the hearing (III and IV)	Opportunity to provide advisory comments (to staff) -Testimony
Demo Delay for res structures in res zones	Before or after application; permit not issued until 35 days after email notice	-Mail to ROs, AHC, RestoreOR, addresses w/in 150 ft -Door hangers 5 days before demo activity	Opportunity to appeal and get a 60-day delay



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