

IMPACT STATEMENT

Legislation title: Allow City Subsidized Affordable Housing Projects to utilize a Type IIx land use review procedure pursuant to PCC 33.730.025 for the duration of the Housing Emergency. (Ordinance)

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Purpose of proposed legislation and background information: On October 7, 2015, City Council declared a housing emergency, and acknowledged there is a need to remove obstacles that prevent development of housing to meet Portland's housing needs. Title 33 establishes review procedures for discretionary land use reviews. Generally, land use reviews in the Central City and Gateway Plan Districts are required to use the Type III review procedure when applying for a design review or historic resource review. This procedure includes a mandatory public hearing, and the decision-making body is the Portland Design Commission or Portland Historic Landmarks Commission. The Type III procedure takes more time than the Type IIx due to requirements for additional and different procedural steps, and therefore has higher application fees. The ordinance proposes to change the review procedure for City subsidized affordable housing projects from a Type III to a Type IIx review procedure for design reviews and historic resource reviews. It is important to note that the same regulations, design guidelines and approval criteria apply to the development project, it is only the review procedure that is proposed to be changed. Also, under both procedure types, the public is notified and invited to comment on the proposal. The Type IIx review procedure just has a faster timeline, and there is only a public hearing if the decision is appealed. This faster, less expensive review procedure will save applicants time and money, and provide an incentive for doing City Subsidized affordable housing projects.

The following is a comparison of the two review procedures.

Requirements & Timelines	Type IIx	Type III
Early Assistance Required?	A Design Advice Request will be required as part of the proposed ordinance to get early info to applicant about conceptual design and infrastructure bureau requirements, to avoid surprises.	Pre-application Conference is mandatory for all Type III land use reviews.
Timeline to Review Application for Completeness	21 days from application submittal date	21 days from application submittal date
Public Notification Required	yes	yes

Who Makes Decision	BDS staff	Design Commission (for design review) Historic Landmarks Commission (for historic resource review)
Hearing Required	no	yes
Other timelines	<p>Neighbors and the infrastructure bureaus have 30 days to comment on the proposal.</p> <p>After determining that the application is complete, the decision will be made within 42 days.</p>	<p>After determining that the application is complete, the hearing must take place within 51 days.</p> <p>A public notice is mailed at least 20 days before the hearing, and a notice is posted at the site.</p> <p>Neighbors can comment on the proposal in writing prior to the hearing, and/or provide testimony at the public hearing.</p> <p>If the Commission modifies or rejects the BDS staff recommendation, BDS staff prepare an amended report and mail that decision within 17 days of the close of the record.</p>
If the decision is appealed, where does it go?	Design Commission (for design review) Historic Landmarks Commission (for historic resource review)	City Council
Is there another local appeal after the first appeal?	No. The Commission's decision can be appealed to LUBA.	No. City Council's decision can be appealed to LUBA.

Financial and budgetary impacts: Currently there are no design review or historic resource reviews using the Type IIX procedure, so BDS will need to amend several forms, as well as create public information about this change for customers. However, these tasks are minor in nature and can be absorbed by existing BDS staff.

Community impacts and community involvement: There is no public hearing prior to the decision being made on the design review or historic resource review, however, public

comments can be submitted to the BDS staff assigned to the review. As outlined above, the public is notified as required by Title 33 for Type IIx land use reviews, and in compliance with State law.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount