

10B-10-15 - TIME LIMIT ON APPEAL.

1. Written notice of appeal of Hearings Officer and Planning Commission Decisions as required by these standards must be filed with the Planning Director no later than 12 days from the date written notice of the decision is mailed.
2. Appeal of a City Council Decision shall be to the Oregon Land Use Board of Appeals (LUBA) in accordance with the guidelines in ORS 197.830, and must be filed with LUBA no later than 21 days from the date the decision was final, which is the date the decision was reduced to writing.

10B-10-20 - APPEAL, STANDING.

Any party to a decision may appeal that decision provided that such appeal is filed within the guidelines of the appeal procedures in this Chapter. In order to have standing and be considered a party to a decision rendered by a decision maker authorized herein, written or oral testimony must have been provided in compliance with the requirements of these standards.

10B-10-25 - APPEAL PROCEDURE.

After written notice of appeal of a Hearings Officer or Planning Commission Decision has been filed, a hearing date will be scheduled at which time the decision-maker authorized by these standards will consider the appeal. Appeal hearings at the Planning Commission and City Council shall be "de novo," or new, hearings, and submittal of new evidence and testimony shall be allowed. An appeal resulting from Hearings Officer Decision shall be to the Planning Commission; an appeal resulting from a Planning Commission decision shall be to the City Council; an appeal of a City Council decision shall be made to the Oregon Land Use Board of Appeals in accordance with ORS 197.830 and is a record review, not a "de novo" hearing. An issue which may be the basis for an appeal to the Land Use Board of Appeals, shall be raised no later than the close of the record at or following the final evidentiary hearing on the proposal before the local government.

Except for appeals from the decision of the Hearing Officer, Appellants must have appeared in person, by agent or in writing before the review authority, and have objected to the decision, raising issues with sufficient specificity so as to afford the Planning Commission, City Council or the parties an adequate opportunity to respond to each issue, as set forth in this Chapter, for the application being considered. The City Manager may have standing on any matter based on objections by any City Department Head who registered a proper objection at the hearing.

10B-10-30 - NOTICE OF APPEAL TO PLANNING COMMISSION AND/OR CITY COUNCIL.

The notice of appeal shall be filed with the Planning Director in writing and shall include the following:

1. The action number of the Final Order for which review by higher authority is sought.
2. If not submitted by the applicant, a statement of the interest of the appellant, to determine the appellant's standing as a party to the action.
3. The appellant's name, address and phone number.
4. Payment of fees for an appeal as provided for in this Title.

10B-10-35 - APPEAL TO PLANNING COMMISSION.

The Planning Commission shall hear all appeals of Hearings Officer decisions in a de novo public hearing. The hearing before the Commission shall be noticed in the same manner as for all public hearings, and the Appellant shall be present at the hearing, either in person or through an authorized representative. The Planning Commission may consider the record of the Hearings Officer's action, but shall not base their decision solely on that decision.

10B-10-40 - TIME LIMIT FOR APPEAL CONSIDERATION.

The Commission shall consider an appeal at the earliest possible opportunity given notice requirements and Planning Department workload.

10B-10-45 - DECISION OF PLANNING COMMISSION ON APPEAL

1. Upon review of an appeal, the Commission may affirm, reverse, or modify, in whole or in part, the decision and findings of the lower review authority and may add findings.
2. The Commission's action on a Hearing Officer's decision is itself appealable to the City Council. The presiding officer at the hearing shall advise those appearing for either side, that to have standing to appeal a Planning Commission decision to the City Council, they must address issues with "sufficient specificity" that will allow the decision maker and all present to respond to the issue.
3. Upon written request to the Planning Director, any person may have a copy of the hearing tapes and have a transcript of a hearing prepared; if the City is requested to provide the transcription, the full cost of that transcription shall be paid by the person requesting the transcription.

10B-10-50 - APPEAL TO CITY COUNCIL.

The City Council shall hear all appeals of Planning Commission decisions in a de novo public hearing. The hearing before the Council shall be noticed in the same manner as for all public hearings. The Council may consider the record of the Planning Commission's action, but shall not use the Planning Commission decision as the sole basis for their decision.

10B-10-55 - TIME LIMIT FOR APPEAL CONSIDERATION.

The Council shall consider an appeal at the earliest possible opportunity given notice requirements and Planning Department workload.

10B-10-60 - DECISION OF CITY COUNCIL ON APPEAL.

1. Upon review of an appeal, the Council may affirm, reverse, or modify, in whole or in part, the decision and findings of the lower review authority and may add findings.
2. The Council's action on a Planning Commission decision is appealable only to the Oregon Land Use Board of Appeals (LUBA), and only in the manner prescribed by ORS 197.830. The presiding officer at the hearing shall advise those appearing for either side, that to have standing to appeal a City Council decision to LUBA, they must address issues with "sufficient specificity" to enable the decision maker and all present to respond to the issue.

Incomplete applications, or insufficient information, may result in delay or denial of the application.