



# BAKER CITY PLANNING DEPARTMENT

P.O. Box 650, Baker City, OR 97814-0650

541-524-2054

www.bakercity.com

## APPLICATION FOR APPEAL

<b>App. No.</b> _____ <b>City Planning: 101-100-4100701</b> <b>Received by:</b> _____ <b>Date Received:</b> _____
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Decision Being Appealed: \_\_\_\_\_

APPELLANT			APPLICANT		
Last Name	First	MI	Last Name	First	MI
Mailing Address			Mailing Address		
Physical Address			Physical Address		
City	State	Zip	City	State	Zip
Telephone			Telephone		
Email			Email		

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_ Ref. \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_ Ref. \_\_\_\_\_

Property Address: \_\_\_\_\_

Zone: \_\_\_\_\_ Overlay: \_\_\_\_\_ Total Area of Parcel: \_\_\_\_\_

Floodplain:  YES  NO      Wetlands:  YES  NO      Inside UGB:  YES  NO

Existing Development: \_\_\_\_\_

**ACTION BEING APPEALED:** \_\_\_\_\_

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**REASON FOR APPEAL:** Reason for appeal must be typed and attached to this application.

## APPEAL OF TYPE II DECISION

BCDC Section 4.1.300

**A. Appeal.** A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:
  - a. The applicant or owner of the subject property;
  - b. Any person who was entitled to written notice of the Type II administrative decision; and
  - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal filing procedure.
  - a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;
  - b. *Time for filing.* A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;
  - c. *Content of notice of appeal.* The Notice of Appeal shall contain:
    - i. An identification of the decision being appealed, including the date of the decision;
    - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
    - iii. A statement explaining the specific issues being raised on appeal;
    - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
    - v. Filing fee.
3. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* before the Planning Commission. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections 4.1.400.C - E;
5. Further appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

## APPEAL OF A TYPE III DECISION

### BCDC Section 4.1.400

G. Appeal. A Type III Planning Commission decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal a Type III Quasi-Judicial Decision:
  - a. The applicant or owner of the subject property;
  - b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.
2. Appeal filing procedure.
  - a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures;
  - b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Official or designee within 12 days of the date the Notice of Decision was mailed;
  - c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
    - 1) An identification of the decision being appealed, including the date of the decision;
    - 2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
    - 3) A statement explaining the specific issues being raised on appeal; and
    - 4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing *de novo* before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal procedures. Type III notice, hearing procedures and decision process shall be used for all Type III Quasi-Judicial Appeals, as provided in Section 4.1.400.C - E;
5. Effective Date and further appeal to the Land Use Board of Appeals (LUBA). The decision of the City Council regarding an appeal of a Type III Quasi-Judicial Decision is the final decision of the City. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.