



CITY OF MILL CITY

444 1st Avenue.

PO Box 256

Mill City, OR 97360

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APPEAL OF A LAND USE DECISION BY THE PLANNING COMMISSION OR CITY STAFF

Application and Decision Making Procedures

Any person who is aggrieved by a decision made by the city staff or Planning Commission may appeal that land use decision. An appeal of a staff decision is considered by the Planning Commission. An appeal of a Planning Commission decision is considered by the City Council.

Prior to filing an appeal, you may wish to discuss the decision and the specific items you wish to appeal with the city staff or with your own land use consultant or attorney. City staff will be happy to arrange an appointment for you to discuss the decision you wish to appeal. Please call or stop in at city hall during working hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, to make an appointment.

1. APPLICATION FEES

Submission of an appeal application form, fully completed and with attachments is required before the review process will begin.

Appeal of the Zoning Official Decision (Admin)	\$250
Appeal of a Planning Commission Decision	Equal to original application fee
Appeal of Zoning Official Decision (Land Divisions)	\$500

The application fee for an appeal of a Planning Commission decision is equal to the amount paid for the initial application. [Example: The basic application fee for a minor partition is \$1000. The appeal application fee is \$1000.]

2. REVIEW FOR COMPLETENESS

Upon submission of the appeal application, the city planner will review it for completeness. The city planner will determine, within 14 days from the date of submittal, if the applicant has provided all required information. If the application is incomplete, the city planner will notify the applicant of the items which need to be submitted.

3. STAFF REPORT

After the appeal application is found to be complete, the city planner will prepare a staff report summarizing the appeal and the decision criteria. The City planner and city attorney will make a recommendation on the appeal to the decision authority. A copy of the staff report will be provided to the applicant prior to the public hearing process.

4. PUBLIC HEARING BY THE PLANNING COMMISSION [Appeal of a Staff Decision]

If an appeal is made of a staff decision, the Planning Commission will hold a public hearing. A minimum ten (10) days' notice to the affected property owners is required prior to the public hearing. The hearing will therefore be scheduled at the first regularly scheduled planning commission meeting after the notice period. The hearing is called to give all interested parties an opportunity to comment on the application.

At the conclusion of the hearing and deliberation, the planning commission will either uphold the original decision or approve the appeal.

5. **PUBLIC HEARING BY THE CITY COUNCIL [Appeal of a Planning Commission Decision]**

If an appeal is made of a Planning Commission decision, the Commission will review its decision and the content of the appeal at its next regular meeting. The Planning Commission will submit a report to the city council with its comments on the appeal. A minimum ten (10) day notice to property owners to persons within the affected area is required prior to the public hearing. The notice area is the same notice area as the original application. The public hearing will be scheduled at the first regularly scheduled city council meeting after the notice period. The hearing is called to give all interested parties an opportunity to comment on the application.

At the conclusion of the hearing and deliberation, the city council will either uphold the Planning Commission's decision or approve the appeal.

6. **APPEALS TO THE LAND USE BOARD OF APPEALS**

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

7. **ISSUANCE OF BUILDING PERMITS**

Building permits will be issued only after the appeals period has been completed. Building permits may be withheld until the applicant reimburses the City for any outstanding fees or legal, engineering or administrative costs incurred by the City in reviewing the proposal.

8. **FOR MORE INFORMATION**

Call or write to Mill City City Hall, 444 1st Avenue, P.O. Box 256, Mill City OR 97360.

Phone: 503.897.2302.

Email: info@ci.mill-city.or.us

Website: www.ci.mill-city.or.us

REQUIRED ATTACHMENTS

1. Appeals application form.
2. Copy of the Notice of Decision for the original land use decision.
3. A written statement stating the exact nature of the appeal. The applicant must specify the criteria, the city code section, conditions of approval or exact decision that is being appealed. The applicant must give a detailed statement on why he/she believes the decision was in error.

CITY OF MILL CITY

APPEAL OF A STAFF OR PLANNING COMMISSION DECISION

TYPE OF APPLICATION:	Application Fee
<input type="checkbox"/> Pre Application Conference	\$ 200.00
<input type="checkbox"/> Appeal of Zoning Official Decision (Admin)	\$ 250.00
<input type="checkbox"/> Appeal of Zoning Official Decision (Land Division)	\$ 500.00
<input type="checkbox"/> Appeal of Planning Commission Decision	Same fee as original application

I understand that the application fee or deposit paid for this land use proceeding is in accordance with the current City of Mill City Land Use Fees Resolution. If the City incurs additional costs for engineering, legal, planning consultation, inspection fees or other direct costs related to this proposal, which are beyond the initial filing fee or deposit, then the city may require an additional deposit or fee to cover costs incurred. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold issuance of building permits, certificates of occupancy, utility service connections or subdivision/partition plats until the fees are paid. I agree to reimburse the City for the additional costs the City of Mill City may incur in reviewing and processing this application.

SIGNATURE OF APPELLANT: _____

1. APPELLANT:

Name: _____

Address: _____

City/State/Zip: _____

Phone:

Work (_____) _____-_____ Home: (_____) _____-_____

Fax (_____) _____-_____ Email: _____

2. DECISION BEING APPEALED:

File No.: _____ Type of Application: _____

Date of Original Notice of Decision: _____

Attach a copy of the Notice of Decision.

Attach a statement which addresses the specific criteria, code sections, conditions of approval or element of the decision which is being appealed. The statement should include a detailed statement citing the decision criteria and the reason(s) the appellant believes the decision was in error.

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____