

BAKER CITY-COUNTY PLANNING DEPARTMENT



1995 Third Street, Suite 131
Baker City, OR 97814
Phone: (541) 523-8219
Fax: (541) 523-5925



File No. _____
Received By: _____
Date Submitted: _____
City Planning: 101-131-3-40-4104
Fee Collected: \$100
Date Paid: _____
Receipt By: _____

Type III Land Use Decision Appeal

APPEAL OF CASE NO.: _____

Date of Decision: _____ Decision-making Body: _____

APPELLANT(S) If more than one appellant, attach names with signatures and addresses on a separate sheet of paper.

Appellant _____

Mailing Address/State/Zip _____

Phone _____ Fax _____ Email _____

Appellant's Signature _____ Date: _____

APPELLANT'S REPRESENTATIVE (if applicable)

Representative _____

Mailing Address/State/Zip _____

Phone _____ Fax _____ Email _____

Representative's Signature _____ Date: _____

SITE LOCATION & DESCRIPTION

Tax Map #(s) _____ Tax Lot #(s) _____

Frontage Street or Address _____

The Notice of Appeal shall contain:

- (a) An identification of the decision being appealed, including the date of the decision.
- (b) A statement demonstrating the person filing the Notice of Appeal has standing to appeal.
- (c) A statement explaining the specific issues raised on appeal.
- (d) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

10 copies of all documents should be submitted.

City of Baker City Development Code 4.1.400 Type III Procedure

F. 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 14 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.