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## Chapter 17.92

### APPEALS

#### Sections:

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**17.92.010 Appeal to Planning Commission.**

An appeal from a ruling or interpretation of the City Administrator or designee regarding a requirement of this title may be made only to the Planning Commission and must be accompanied by a filing fee.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990.

**17.92.020 Appeal to City Council.**

(1) A decision of the Planning Commission made pursuant to this title may be appealed to the City Council within fifteen (15) days after the mailing of the Planning Commission's written decision.

(2) Written notice of the appeal, along with a filing fee, shall be filed with the city.

(3) The notice of appeal should state in detail the nature of the decision, determination or requirements and the grounds upon which the applicant deems herself/himself aggrieved.

(4) If an appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final.

(5) If a timely appeal is filed, the City Council shall receive a copy of the Planning Commission's written decision and shall hold a public hearing on the appeal.

(6) The City Administrator or designee shall summarily reject an untimely filed appeal.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

**17.92.030 Standing, who may appeal.**

(1) Only parties with standing may appeal.

(2) To have standing to appeal a decision of the Planning Commission to the City Council, a party must have appeared orally or in writing before the Planning Commission.

(3) Signing a petition does not constitute an appearance.

(4) Any party given notice under GMC Subsection 17.94.050(3) may appeal a decision of the City Administrator to the Planning Commission.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

**17.92.040 Applicant appeal.**

(1) If an applicant appeals a decision of the City Administrator or Planning Commission, he/she shall submit the same application to the hearing body, other than changes necessary to effectuate any conditions of approval.

(2) No other view or revision designs or plans will be accepted.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990.

**17.92.050 Form of notice.**

(1) The notice of appeal shall contain the following:

(a) A reference to the subject property;

(b) The application number;

(c) The date of the decision appealed from;

(d) The date of the notice of appeal;

(e) A statement of the appellant's qualification as a party with standing to appeal;

(f) The specific grounds for the appeal.

(2) The notice must be actually received by the City Administrator or recorder or their designee within the time provided or it will be dismissed as untimely.

(3) An appeal stays proceedings on the matter until final determination by the city.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990.