

CHAPTER 3-2
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

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3.201 GENERAL PROCEDURES

3.201.01 Procedure for Type I-A Review

Type I-A actions shall be reviewed and decided by the City Administrator or designee.

- A. Upon receipt of an application for a Type I-A action, the City staff shall review the application for completeness.
 1. If, within 30 days of receipt of the application, City staff finds the application is complete, the application shall be deemed complete as of the date of submittal.
 2. If the review for completeness shows the application is not complete, City staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete:
 - a. Upon receipt of all the missing information; or
 - b. Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Upon receipt of written notice from the applicant that none of the missing information will be provided; or
 - d. Upon the 31st day after the application's submittal.
- B. Referrals will be sent to appropriate agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is affected, referrals should be sent to the Yamhill County Public Works Department and/or ODOT.
- C. If staff finds the facts of the particular case require interpretation of existing standards, an Interpretation of the existing standards may be included in the decision, and the Interpretation and the primary application shall be reviewed as a Type I-B action.
- D. Written notice of the decision shall be mailed to the applicant.
- E. Type I-A decisions may not be appealed by the applicant or any party.

3.201.02 Procedure for Type I-B Review

Type I-B actions shall be reviewed and decided by the City Administrator or designee.

- A. Upon receipt of an application for a Type I-B action, the City staff shall review the application for completeness.
 1. If, within 30 days of receipt of the application, City staff finds the application is complete, the application shall be deemed complete as of the date of submittal.
 2. If the review for completeness shows the application is not complete, City staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete:
 - a. Upon receipt of all the missing information; or
 - b. Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Upon receipt of written notice from the applicant that none of the missing information will be provided; or
 - d. Upon the 31st day after the application's submittal.
 3. The timing requirements established in this Section are intended to allow a final decision, including resolution of any local appeals within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, the procedures in Subsections 3, a – c, below, shall be followed regardless of other processes set forth elsewhere in this Ordinance. The 120 day period may be extended by the City for a specified period of time at the written request of the applicant, but the total time of all extensions may not exceed 245 days.
 - a. The City staff shall notify the City Council of the timing conflict by the 95th day after receipt of a complete application. The City Council shall, in accordance with its own procedures, set a time for a meeting within the 120 day period.
 - b. Public notice shall be mailed to the applicant and owners of properties within 100-feet of the subject property at least twenty (20) days prior to the hearing date.

- c. The City Council shall hold a public hearing on the specified date consistent with Section 3.204, Review and Public Hearings by City Council, and render a decision approving, approving with conditions, or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

- B. Referrals will be sent to appropriate agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is affected, referrals should be sent to the Yamhill County Public Works Department and/or ODOT.

- C. If staff finds the facts of the particular case require interpretation of existing standards, an Interpretation of the existing standards may be included in the Type I-B decision.

- D. Type I-B approvals may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met; or
 - b. Fulfillment of the need for public service demands created by the proposed use; or
 - c. Protection of the public from the potentially deleterious effects of the proposed use.

 - 2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type I-B action.

 - 3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. Types of Guarantees

Performance guarantees in the form of a performance bond payable to the City or other form acceptable to the City. The form must be

approved by the City Attorney and appropriate documents filed with the City Administrator or designee.

b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

c. Time Period

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

E. Notice of Decision.

1. Written notice of Type I-B decisions shall be mailed to:

- a. The applicant;
- b. Owners of record of property on the most recent property tax assessment roll within 100 feet of the subject property;
- c. At the discretion of the applicant, the Oregon Department of Land Conservation and Development; and
- d. Agencies who received referrals in accordance with Section 3.201.02, B.

2. Written notice of Type I-B decisions shall:

- a. Explain the nature of the application and the proposed use or uses which could be authorized;
- b. State the street address or other easily understood geographical reference to the subject property;
- c. State the name of a City representative to contact and the telephone number where additional information may be obtained;
- d. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and

applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

- e. Describe the nature of the decision;
- f. State that any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal and submitting it to the City Administrator or designee;
- g. State that the decision will not become final until the period for filing a local appeal has expired;
- h. State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830;
- i. State that the appeal will be decided by the Planning Commission after conducting a de novo public hearing;
- j. State the deadline for submission of a written request for appeal to be submitted to the City Administrator or designee; and
- l. State that each issue shall be raised and accompanied by statements or evidence sufficient to afford the appeal decision authority and the parties an adequate opportunity to respond to each issue;

F. Type I-B decisions:

- 1. May be appealed to the Planning Commission by any person who is entitled to written notice in E, 1, above, or is adversely affected or aggrieved, by filing a written appeal and submitting it to the City Administrator or designee before the expiration of the appeal period. The City Council on its own motion may order a review before the expiration of the appeal period.
- 2. An appeal shall be filed within fifteen (15) days from the date of the decision consistent with Section 3.205, Appeal Provisions.
- 3. An appeal to the Planning Commission or City Council stays the proceedings in the matter appealed until the determination of the appeal.

3.201.024 Procedure for Type I-C Review, Limited Land Use Application

Type I-C applications shall be reviewed and decided by the City Administrator or designee.

- A. Upon receipt of an application for a Type I-C action, the City staff shall review the application for completeness.
1. If, within 30 days of receipt of the application, City staff finds the application is complete, the application shall be deemed complete as of the date of submittal.
 2. If the review for completeness shows the application is not complete, City staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete:
 - a. Upon receipt of all the missing information; or
 - b. Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Upon receipt of written notice from the applicant that none of the missing information will be provided; or
 - d. Upon the 31st day after the application's submittal.
 3. The timing requirements established in this Section are intended to allow a final decision, including resolution of any local appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, the procedures in Subsections 3, a – c, below, shall be followed regardless of other processes set forth elsewhere in this Ordinance. The 120 day period may be extended by the City for a specified period of time at the written request of the applicant, but the total time of all extensions may not exceed 245 days.
 - a. The City staff shall notify the City Council of the timing conflict by the 95th day after receipt of a complete application. The City Council shall, in accordance with its own procedures, set a time for a meeting within the 120 day period.
 - b. Public notice shall be mailed to the applicant and owners of properties within 100-feet of the subject property at least twenty (20) days prior to the hearing date.
 - c. The City Council shall hold a public hearing on the specified date consistent with Section 3.204, Review and Public Hearings by City Council, and render a decision approving,

approving with conditions, or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

- B. If staff finds the facts of the particular case require interpretation of existing standards, an Interpretation of the existing standards may be included in the Type I-C decision.
- C. Written Notice of the Receipt of an Application and Comment Period.
 - 1. City staff shall mail written notice to:
 - a. Owners of property within 100 feet of the entire contiguous site for which the application is made.
 - i. The list shall be compiled from the most recent property tax assessment roll.
 - ii. This requirement shall be deemed met when the City staff can provide an affidavit or other certification that such notice was given.
 - b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
 - c. Interested agencies such as city departments, police agencies, school district, utility companies, and State agencies. If a County road or State highway is affected, notice should be sent to the Yamhill County Public Works Department and/or ODOT.
 - 2. The notice shall:
 - a. State there is a 15-day period for submission of written comments prior to the decision;
 - b. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - c. List by commonly used citation, the applicable criteria for the decision;
 - d. Set forth the street address or other easily understood geographical reference to the subject property;

- e. State the date, place and time that comments are due;
- f. State copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
- g. State the name and phone number of a City contact person;
- h. State notice of the decision will be mailed to the applicant and any person who submitted comments within the 15-day comment period in 2, a, of this Section; and
- i. Briefly summarize the decision making process for the limited land use decision being made, including an explanation of appeal rights.

D. The Decision and Appeals.

- 1. Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. The City shall mail a copy of the decision to the applicant and any person who submitted comments within the comment period in C, 2, a, of this Section.
- 2. The applicant and any person who submitted comments within the comment period in C, 2, a, of this Section may appeal the decision within 15-days of the date the decision was mailed. An appeal of a limited land use decision shall be heard by the Planning Commission at a public hearing. The hearing may be limited to the record developed pursuant to the initial decision by staff, or may be a de novo hearing allowing for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall be consistent with Section 3.202.02, B, and written notice of the decision rendered on appeal shall be provided to the applicant and all parties who submitted oral or written testimony at the hearing. The notice of decision for a hearing on the record or de novo shall include an explanation of the rights of each party to appeal the decision.
- 3. The applicant and any person who submitted comments within the comment period in C, 2, a, of this Section and all parties who submitted oral or written testimony at the Planning Commission public hearing may appeal the Planning Commission decision within 15-days of the date the decision was mailed. An appeal of the Planning Commission decision shall be decided by the City Council consistent with Section 3.204.

E. Type I-C approvals may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met;
 - b. Fulfillment of the need for public service demands created by the proposed use;
 - c. Protection of the public from the potentially deleterious effects of the proposed use.

2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type I-C action.

3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

a. Types of Guarantees

Performance guarantees may be in the form of a performance bond payable to the City or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Administrator or designee.

b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

c. Time Period

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

3.201.026 Procedure for Type I-D Review, Expedited Land Application

Type I-D applications shall be reviewed and decided by the City Administrator or designee. When requested by the applicant, the following procedures shall be used for partitions and site development reviews.

- A. An Expedited Land Application shall:
 - 1. Apply to a property in the City Limits and Urban Growth Boundary;
 - 2. Apply to a property in the R-1 or R-2 Zone;
 - 3. Propose a development to be solely for residential uses, including recreational or open space uses accessory to residential uses;
 - 4. Propose a development that does not propose for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Lafayette Comprehensive Plan and Lafayette Zoning and Development Ordinance for full or partial protection of natural features under the Statewide Planning Goals that protects open spaces, scenic and historic areas and natural resources;
 - 5. Satisfy minimum street or other right-of-way connectivity standards established in the Lafayette Zoning and Development Ordinance or, if such standards are not contained in the Lafayette Zoning and Development Ordinance, as required by Statewide Planning Goals or Administrative Rules;
 - 6. Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the District applied to the subject property.
 - 7. Describe how the application meets Section 3.201.026, A, 1 - 6.
- B. Upon receipt of an application for a Type I-D action, the City staff shall check the application for completeness.
 - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
 - 2. If incomplete, City staff shall notify the applicant what information is missing within 21-days and allow the applicant to submit the missing information.
- C. The application shall be deemed complete:
 - 1. On the date the applicant submits the requested additional information or, refuses in writing to submit the information.

2. If the application was complete when first submitted or the applicant submits the requested additional information within 180-days of the date the application was first submitted. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- D. City staff shall provide written notice of the receipt of the completed application to:
1. Any State agency, local government or special district responsible for providing public facilities or services to the development;
 2. Owners of property within 100-feet of the entire contiguous site for which the application is made; and
 3. Any neighborhood or community planning organization recognized by the City Council, but not including home owners' associations, and whose boundaries include any part of the entire contiguous site for which the application is made.
 4. The property owners list in 2, above, shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- E. The notice required in D, above, shall:
1. State the deadline for submitting written comments;
 2. State that issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period;
 3. State that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 4. State by commonly used citation, the applicable criteria for the decision.
 5. State the street address or other easily understood geographical reference to the subject property.
 6. State the place, date and time comments are due.
 7. State a time and place where copies of all evidence submitted by the applicant will be available for review.
 8. State the name and telephone number of a local government contact

person.

9. Briefly summarize the local decision-making process for the expedited land decision being made, including an explanation of appeal rights.
- F. After providing notice consistent with Subsections D and E, above, the City shall provide a 15-day period beginning on the day after the notice was mailed for submission of written comments prior to issuing the decision.
- G. The Decision and Appeals.
1. After the 15-day comment period in 3.201.026, F, City staff shall make a decision to approve, approve with conditions to ensure the application meets the applicable land use regulations, or deny the application. The decision shall be based on whether the application satisfies the standards of the underlying District and the applicable standards in Sections 2.201 – 2.211 for General Development Standards; Sections 2.301 – 2.311 for Supplemental Standards for Special Uses; Sections 2.401 – 2.403 for General Provisions; and 3.100 (Application Requirements and Review Criteria), including but limited to Section 3.106 for partitions and Section 3.105 for site development reviews.
 2. The decision shall be issued within 63-days of an application being deemed complete, however, the 63-day period may be extended to no more than 120-days of the application being deemed complete when, after seven days notice to the applicant, the City Council, at a regularly scheduled public meeting, takes action to extend the 63-day period to a date certain for one or more expedited applications based on a determination that an unexpected or extraordinary increase in applications makes action within 63-days impracticable.
 3. The decision shall include a written determination of compliance or noncompliance with applicable regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the City's basis for the determination.
 4. Notice of the decision shall be mailed to the applicant and to those who received notice under Subsection D, above. The notice shall include:
 - a. The summary statement described in G, 3, and
 - b. An explanation of appeal rights.
 5. After providing notice of the decision required in Subsection G, 4:

- a. A 15-day period beginning on the day after the notice was mailed shall be provided for the submission of written appeals.
 - b. Appeals shall be submitted to the City Administrator or designee and accompanied by a \$300 deposit for costs.
 - c. The decision may be appealed by the applicant or any person or organization who filed written comments in the 15-day comment period established in Subsection F.
 - d. The appeal shall be based solely on allegations:
 - (i) Of violation of the substantive provisions of the applicable land use regulations;
 - (ii) Of unconstitutionality of the decision;
 - (iii) That the application is not eligible for review as an expedited application and should be reviewed as a land use decision or limited land use decision; or
 - (iv) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
6. An appeal of an expedited decision shall be decided by the City's referee and processed consistent with Oregon Revised Statute 197.375.
- H. Type I-D approvals may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
- 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met;
 - b. Fulfillment of the need for public service demands created by the proposed use;
 - c. Protection of the public from the potentially deleterious effects of the proposed use.
 - 2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type I-D action.

3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

- a. Types of Guarantees

Performance guarantees may be in the form of a performance bond payable to the City or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Administrator or designee.

- b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

- c. Time Period

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

3.201.03 Procedures for Type II and Type III Actions

Type II actions shall be reviewed and decided by the Planning Commission. Type III actions shall be reviewed by the Planning Commission with a recommendation forwarded to the City Council, and shall be decided by the City Council.

- A. Upon receipt of an application for a Type II or Type III action, the City staff shall review the application for completeness.
 1. If, within 30 days of receipt of the application, City staff finds the application is complete, the application shall be deemed complete as of the date of submittal.
 2. If the review for completeness shows the application is not complete, City staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete:

- a. Upon receipt of all the missing information; or
 - b. Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Upon receipt of written notice from the applicant that none of the missing information will be provided; or
 - d. Upon the 31st day after the application's submittal.
3. The timing requirements established in this Section are intended to allow a final decision, including resolution of any local appeals for all Type II-A or Type III actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, the procedures in Subsections 3, a – c, below, shall be followed regardless of other processes set forth elsewhere in this Ordinance. The 120 day period may be extended by the City for a specified period of time at the written request of the applicant, but the total time of all extensions may not exceed 245 days.
- a. The City staff shall notify the City Council of the timing conflict by the 95th day after receipt of a complete application. The City Council shall, in accordance with its own procedures, set a time for a meeting within the 120 day period.
 - b. Public notice shall be mailed to the applicant and owners of properties within 100-feet of the subject property at least twenty (20) days prior to the hearing date.
 - c. The City Council shall hold ~~in~~ a public hearing on the specified date consistent with Section 3.204, Review and Public Hearings by City Council, and render a decision approving, approving with conditions or denying the request within the 120 day period. Such action shall be the final action by the City on the application.
- B. Applications for more than one Type II or Type III action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
- C. Referrals will be sent to appropriate agencies such as City departments, police departments, school district, utility companies, and applicable state agencies. If a county road or state highway is affected, referrals should be sent to the Yamhill County Public Works Department and / or ODOT.
- D. During the staff review of the application and preparation of the staff report or during the Planning Commission or City Council consideration of the

application, if it is determined the facts of the particular case require interpretation of existing standards, an Interpretation of the existing standards may be included in the decision.

- E. A Public Hearing shall be scheduled and notice shall be provided consistent with Section 3.202.02, Public Notice Requirements for Type II-A and III Actions.
- F. For Type II-A and III actions staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be provided to the applicant and available at City Hall for all interested parties.
- G. A public hearing before the Planning Commission shall be consistent with Section 3.203, Public Hearing Before the Planning Commission.
- H. Type II or Type III approvals may be subject to conditions. The following limitations shall be applicable to conditional approvals:
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use or
 - c. Ensure the standards of the development code are met.
 - 2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type II or III action.
 - 3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. Types of Guarantees
Performance guarantees may be in the form of a performance bond payable to the City or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Administrator or designee.

b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

c. Time Periods

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

- I. The applicant shall be notified, in writing, of the Planning Commission's decision for a Type II-A action or recommendation for a Type III action. Notice of the Commission's decision or recommendation shall be mailed to individuals who entered written or oral comments into the record or who submitted a written request for notice prior to the public hearing.
- J. Type II-A decisions may be appealed to the City Council by the applicant and persons receiving notice of the decision. The appeal shall be filed within fifteen (15) days from the date of the decision, consistent with Section 3.205, Appeal Provisions. Planning Commission recommendations for Type III applications shall be forwarded to the City Council for a decision.

3.201.034 Procedure for Type II-B Review, Limited Land Use Application

Type II-B applications shall be reviewed and decided by the Planning Commission.

- A. Upon receipt of an application for a Type II-B action, the City staff shall review the application for completeness.
 1. If, within 30 days of receipt of the application, City staff finds the application is complete, the application shall be deemed complete as of the date of submittal.
 2. If the review for completeness shows the application is not complete, City staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete:
 - a. Upon receipt of all the missing information; or
 - b. Upon receipt of some of the missing information and written

notice from the applicant that no other information will be provided; or

- c. Upon receipt of written notice from the applicant that none of the missing information will be provided; or
- d. Upon the 31st day after the application's submittal.

3. The timing requirements established in this Section are intended to allow a final decision, including resolution of any local appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, the procedures in Subsections 3, a – c, below, shall be followed regardless of other processes set forth elsewhere in this Ordinance. The 120 day period may be extended by the City for a specified period of time at the written request of the applicant, but the total time of all extensions may not exceed 245 days.

- a. The City staff shall notify the City Council of the timing conflict by the 95th day after receipt of a complete application. The City Council shall, in accordance with its own procedures, set a time for a meeting within the 120 day period.
- b. Public notice shall be provided consistent with Section 3.201.034, C, below.
- c. The City Council shall hold a public meeting, but not a hearing, on the specified date and shall render a decision approving, approving with conditions, or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

B. During the staff review of the application and preparation of the staff report or during the Planning Commission consideration of the application, if it is determined the facts of the particular case require interpretation of existing standards, an Interpretation of the existing standards may be included in the Type II-B decision.

C. Written Notice of the Receipt of an Application and Comment Period.

- 1. City staff shall mail written notice to:
 - a. Owners of property within 100 feet of the entire contiguous site for which the application is made.
 - i. The list shall be compiled from the most recent property tax assessment roll.

- ii. This requirement shall be deemed met when the City staff can provide an affidavit or other certification that such notice was given.
 - b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
 - c. Interested agencies such as city departments, police agencies, school district, utility companies, and State agencies. If a County road or State highway is affected, notice should be sent to the Yamhill County Public Works Department and/or ODOT.
2. The notice shall:
- a. State there is a 15-day period for submission of written comments prior to the decision;
 - b. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - c. List by commonly used citation, the applicable criteria for the decision;
 - d. Set forth the street address or other easily understood geographical reference to the subject property;
 - e. State the date, place and time that comments are due;
 - f. State copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - g. State the name and phone number of a City contact person;
 - h. State notice of the decision will be mailed to the applicant and any person who submitted comments within the 15-day comment period in 2, a, of this Section; and
 - i. Briefly summarize the decision making process for the limited land use decision being made, including an explanation of appeal rights.

D. The Decision and Appeals.

- 1. Approval or denial of a limited land use decision shall be based upon

and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. The City shall mail a copy of the decision to the applicant and any person who submitted comments within the comment period in C, 2, a, of this Section.

2. The applicant and any person who submitted written comments within the comment period in C, 2, a, of this Section may appeal the decision within 15-days of the date the decision was mailed. An appeal of a limited land use decision shall be heard by the City Council at a public hearing. The hearing may be limited to the record developed pursuant to the initial decision by the Planning Commission, or may be a de novo hearing allowing for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall be consistent with Section 3.202.02, B, and written notice of the decision rendered on appeal shall be provided to the applicant and all parties who submitted oral or written testimony at the hearing. The notice of decision for a hearing on the record or de novo shall include an explanation of the rights of each party to appeal the decision.
3. The applicant and any person who submitted written comments within the comment period in C, 2, a, of this Section and all parties who submitted oral or written testimony at the City Council public hearing may appeal the City Council decision to the Oregon Land Use Board of Appeals.

E. Type II-B approvals may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met;
 - b. Fulfillment of the need for public service demands created by the proposed use;
 - c. Protection of the public from the potentially deleterious effects of the proposed use.
2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type II-B action.

3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

- a. Types of Guarantees

Performance guarantees may be in the form of a performance bond payable to the City or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Administrator or designee.

- b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

- c. Time Period

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

3.201.036 Procedure for Type II-C Review, Expedited Land Application

Type II-C applications shall be decided by the Planning Commission. When requested by the applicant, the following procedures shall be used for subdivisions and planned unit developments.

- A. An Expedited Land Application shall:

1. Apply to a property in the City Limits and Urban Growth Boundary;
2. Apply to a property in the R-1 or R-2 Zone;
3. Propose a development to be solely for residential uses, including recreational or open space uses accessory to residential uses;
4. Propose a development that does not propose for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Lafayette Comprehensive Plan and Lafayette Zoning and Development Ordinance for full or partial protection of

natural features under the Statewide Planning Goals that protects open spaces, scenic and historic areas and natural resources;

5. Satisfy minimum street or other right-of-way connectivity standards established in the Lafayette Zoning and Development Ordinance or, if such standards are not contained in the Lafayette Zoning and Development Ordinance, as required by Statewide Planning Goals or Administrative Rules;
 6. Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the District applied to the subject property.
 7. Describe how the application meets Section 3.201.036, A, 1 - 6.
- B. Upon receipt of an application for a Type II-C action, the City staff shall check the application for completeness.
1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
 2. If incomplete, City staff shall notify the applicant what information is missing within 21-days and allow the applicant to submit the missing information.
- C. The application shall be deemed complete:
1. On the date the applicant submits the requested additional information or, refuses in writing to submit the information.
 2. If the application was complete when first submitted or the applicant submits the requested additional information within 180-days of the date the application was first submitted. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- D. City staff shall provide written notice of the receipt of the completed application to:
1. Any State agency, local government or special district responsible for providing public facilities or services to the development;
 2. Owners of property within 100-feet of the entire contiguous site for which the application is made; and
 3. Any neighborhood or community planning organization recognized by the City Council, but not including home owners' associations, and whose boundaries include any part of the entire contiguous site for which the application is made.

4. The property owners list in D, 2, above, shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- E. The notice required in 3.201.036, D, above, shall:
1. State the deadline for submitting written comments;
 2. State that issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period;
 3. State that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 4. State by commonly used citation, the applicable criteria for the decision.
 5. State the street address or other easily understood geographical reference to the subject property.
 6. State the place, date and time comments are due.
 7. State a time and place where copies of all evidence submitted by the applicant will be available for review.
 8. State the name and telephone number of a local government contact person.
 9. Briefly summarize the local decision-making process for the expedited land decision being made, including an explanation of appeal rights.
- F. After providing notice consistent with 3.201.036, D and E, the City shall provide a 15-day period beginning on the day after the notice was mailed for submission of written comments prior to issuing the decision.
- G. The Decision and Appeals.
1. After the 15-day comment period in 3.201.036, F, City staff shall prepare a staff report to the Planning Commission. The Planning Commission shall make a decision to approve, approve with conditions to ensure the application meets the applicable land use regulations, or deny the application. The decision shall be based on whether the application satisfies the standards of the underlying Zone and the applicable standards in Sections 2.201 – 2.211 for General Development Standards; Sections 2.301 – 2.311 for Supplemental Standards for Special Uses; Sections 2.401 – 2.403 for General

Provisions; and 3.100 (Application Requirements and Review Criteria), including but limited to Section 3.107 for subdivisions and planned unit developments.

2. The decision shall be issued within 63-days of an application being deemed complete, however, the 63-day period may be extended to no more than 120-days of the application being deemed complete when, after seven days notice to the applicant, the City Council, at a regularly scheduled public meeting, takes action to extend the 63-day period to a date certain for one or more expedited applications based on a determination that an unexpected or extraordinary increase in applications makes action within 63-days impracticable.
3. The decision shall include a written determination of compliance or noncompliance with applicable regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the City's basis for the determination.
4. Notice of the decision shall be mailed to the applicant and to those who received notice under Subsection 3.201.036, D, above. The notice shall include:
 - a. The summary statement described in G, 3, and
 - b. An explanation of appeal rights.
5. After providing notice of the decision required in Subsection G, 4:
 - a. A 15-day period beginning on the day after the notice was mailed shall be provided for the submission of written appeals.
 - b. Appeals shall be submitted to the City Administrator or designee and accompanied by a \$300 deposit for costs.
 - c. The decision may be appealed by the applicant or any person or organization who filed written comments in the 15-day comment period established in Subsection F.
 - d. The appeal shall be based solely on allegations:
 - (i) Of violation of the substantive provisions of the applicable land use regulations;
 - (ii) Of unconstitutionality of the decision;
 - (iii) That the application is not eligible for review as an expedited application and should be reviewed as a land use decision or limited land use decision; or

- (iv) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
- 6. An appeal of an expedited decision shall be decided by the City's referee and processed consistent with Oregon Revised Statute 197.375.
- H. Type II-C approvals may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met;
 - b. Fulfillment of the need for public service demands created by the proposed use;
 - c. Protection of the public from the potentially deleterious effects of the proposed use.
 - 2. Once the decision is final and no appeals have been filed within the appeal period, changes to conditions shall be processed as a new Type II-C action.
 - 3. All conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information demonstrating it is not practical to fulfill all conditions prior to issuance of such permit, the City Administrator or designee may allow a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. Types of Guarantees

Performance guarantees may be in the form of a performance bond payable to the City or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Administrator or designee.
 - b. Amount of Guarantee

The amount of the guarantee shall be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant shall provide a written estimate acceptable to the City Administrator or designee, which shall include an itemized estimate of

all materials, labor, equipment and other costs of the required performance.

c. Time Period

The performance bond or other guarantee shall not extend beyond the approval period for the decision. If the approval period for the decision is extended, the performance bond or other guarantee may be extended.

3.202 PUBLIC NOTICE REQUIREMENTS

3.202.01 Type I Actions

Notices for Type I decisions shall be provided consistent with Section 3.201.01 for Type I-A, Section 3.201.02 for Type I-B, Section 3.201.024 for I-C, and Section 3.201.026 for Type I-D.

3.202.02 Type II and Type III Actions

- A. Published Notice. Except as allowed in 3.202.02, D, notice of public hearings before the Planning Commission or City Council for comprehensive plan map or text amendments, zoning and development ordinance map or text amendments, subdivisions, planned unit developments, vacations, and annexations shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to the first evidentiary public hearing.
- B. Written notice :
 - 1. Except as allowed in 3.202.02, D, written notice of a public hearing shall be mailed at least twenty (20) days prior to the hearing date to the applicant and owners of property within 100 feet of the boundaries of the subject property.
 - 2. In accordance with ORS 197.163 for post acknowledgement plan amendments, staff shall provide the required minimum 45-day written notice of the proposed amendments on the required form, and the required minimum 5-day written notice of the adoption (or denial or withdrawal) of amendments on the required form to the Oregon Department of Land Conservation and Development.
 - 3. In accordance with ORS 227.168 for comprehensive plan map or text amendments and zone map or text amendments, staff shall mail the required "Measure 56 Notice" 20 – 40 days prior to the first hearing stating the required language.
- C. Posted Notice. The City shall post public notice on each public street frontage of the subject property in a conspicuous location at least seven days prior to the first public hearing.
- D. Where a multiple hearing application is scheduled for a Type III application at least a ten (10) day written and published notice shall be required prior to the first evidentiary hearing.

3.202.03 Notice for Appeals

- A. Notice of hearings on appeal to the Planning Commission or City Council shall be mailed at least twenty (20) days prior to the hearing date to the appellant, the applicant and any other individuals who received notice of the original decision.

3.202.04 Notice Requirements

- A. Public notice shall:
 - 1. Explain the nature of the application and the proposed use or uses which could be authorized;
 - 2. Cite the applicable criteria from the ordinance and the plan which apply to the application at issue;
 - 3. Set forth the street address or other easily understood geographical reference to the subject property;
 - 4. State the date, time and location of the hearing;
 - 5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals;
 - 6. Include the name of the City representative to contact and the telephone number where additional information may be obtained;
 - 7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;
 - 8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost;
 - 9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

3.203 PUBLIC HEARING BEFORE THE PLANNING COMMISSION

3.203.01 General Provisions

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this Ordinance shall be initially heard by the Planning Commission within sixty (60) days of the receipt of an application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
- D. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.205.
- E. The recommendations of the Planning Commission on applications for Type III actions shall be referred to the City Council for final determination, pursuant to Section 3.204.
- F. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- G. Appeal of a Type I-B action shall be heard by the Planning Commission in accordance with provisions of Section 3.205. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council.

3.203.02 Public Hearing Procedures

- A. The Public Hearing shall be conducted under the following procedures:
 - 1. Open the public hearing and announce the purpose.
 - 2. Call for abstentions.
 - 3. Ask for objections to jurisdiction.
 - 4. Staff report.
 - 5. Proponents address Commission/Council.
 - a. Principal.
 - b. Others.

6. Opponents address Commission/Council.
7. Questions of proponents and opponents from the floor and Commission/Council directed through Chair/Mayor.
8. Public Agencies.
9. Letters.
10. Proponent rebuttal.
11. Staff recommendation.
12. Close of hearing.
13. Deliberation of Commission/Council of findings of fact.

3.203.03 Evidence

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
- C. All evidence shall be offered and made a part of the public record in the case.
- D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Planning Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.
- E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.
- F. All interested persons shall be allowed to testify.

3.203.04 Record of Hearing

Written minutes of the proceeding shall be made. A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except when required by law.

3.203.05 Limits on Oral Testimony

The Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

3.203.06 Exhibits

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the City.

3.204 REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL.

3.204.01 General Provisions

- A. Action on Type III Reviews: The City Council shall hear all Type III actions pursuant to Subsection 3.201.03. The City Council action on such requests shall be the final action of the City on the request.
- B. Appeals: The City Council shall hear appeals of all Planning Commission actions conducted pursuant to Section 3.205. The appeal hearing shall be conducted in a manner consistent with Section 3.204. The action of the Planning Commission shall be final and the appeal shall not be heard by the Council if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

3.204.02 Hearings by City Council

Actions on quasi-judicial requests shall be conducted at public hearings pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

3.204.03 Review by City Council

- A. Review on Record: Except as set forth in Subsection 3.204.03, B, the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:
 - 1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;

2. All materials submitted by the City Staff with respect to the application;
 3. The minutes of the hearing; and
 4. The findings and action of the Planning Commission and the notice of decision.
- B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing.

Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

- C. City Council Action: The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions as provided for in Subsection 3.201.03, H, 1, a - c. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period specified in Section 3.201.03, A, 3.

3.205 APPEAL PROVISIONS

3.205.01 Appeal Period

- A. The decision of the City Administrator or designee shall be final for a Type I-B or I-C decision unless a notice of appeal from an appropriate aggrieved party is received by the City within fifteen (15) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within fifteen (15) days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.
- B. The decision of the Planning Commission for a Type II application, or the appeal of a Type 1-B or I-C decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within fifteen (15) days of the date of the final written notice, or unless the City Council, on its own motion, orders review within fifteen (15) days of the initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

3.205.02 Form of Appeal

Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.

3.205.03 Notice Requirements

- A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in Section 3.202.
- B. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.202.

3.205.04 Transcript Fees

In addition to other fees for appeal requests, the appellant shall pay a transcript fee equal to the actual cost of the preparation of the transcript.

The City shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. The appellant shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees.

3.206 FEES

3.206.01 Purpose

Fees are for the purpose of defraying administrative costs.

3.206.02 General Provisions

- A. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the City Administrator, the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

3.207 TYPE IV ACTIONS

3.207.01 Initiation

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.
- C. City Administrator.

3.207.02 Procedure for Type IV Actions

- A. Public Hearings by Planning Commission
 - 1. A public hearing shall be held by a majority of the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments to the Zoning Maps.

The Planning Commission may continue any hearing in order to make a reasonable decision.
 - 2. Amendments shall be considered and acted upon by the Planning Commission and no extension granted by the City Council, the City Council may act upon the amendment.
 - 3. Notice of the time, place and purpose of the Planning Commission's hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ten (10) days prior to the date of hearing.
- B. Public Hearing by City Council: Following Planning Commission action, the City Council shall hold a public hearing to consider the application and the Planning Commission's recommendation on proposed Type IV actions. Notice shall be as specified in Section 3.202.02, A and D.

3.208 REVOCATION OF DECISION

3.208.01 Compliance with Conditions

Compliance with conditions imposed by the City Administrator or designee, Planning Commission or City Council in approving an application shall be required. Any departure from the conditions of approval and approved plans constitutes a violation of this Ordinance.

3.208.02 General Provisions

- A. The City Administrator or designee may initiate a revocation of an application approval for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
- B. Final decisions regarding Comprehensive Plan text or map amendments, Zoning and Development Ordinance text amendments or zone map changes shall not be subject to revocation.